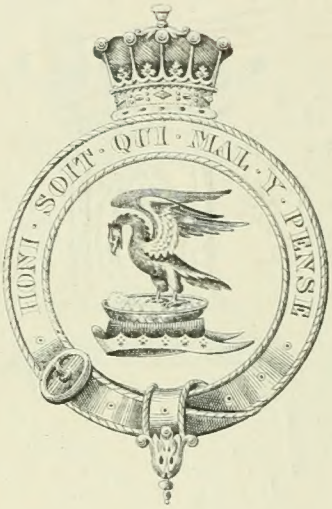
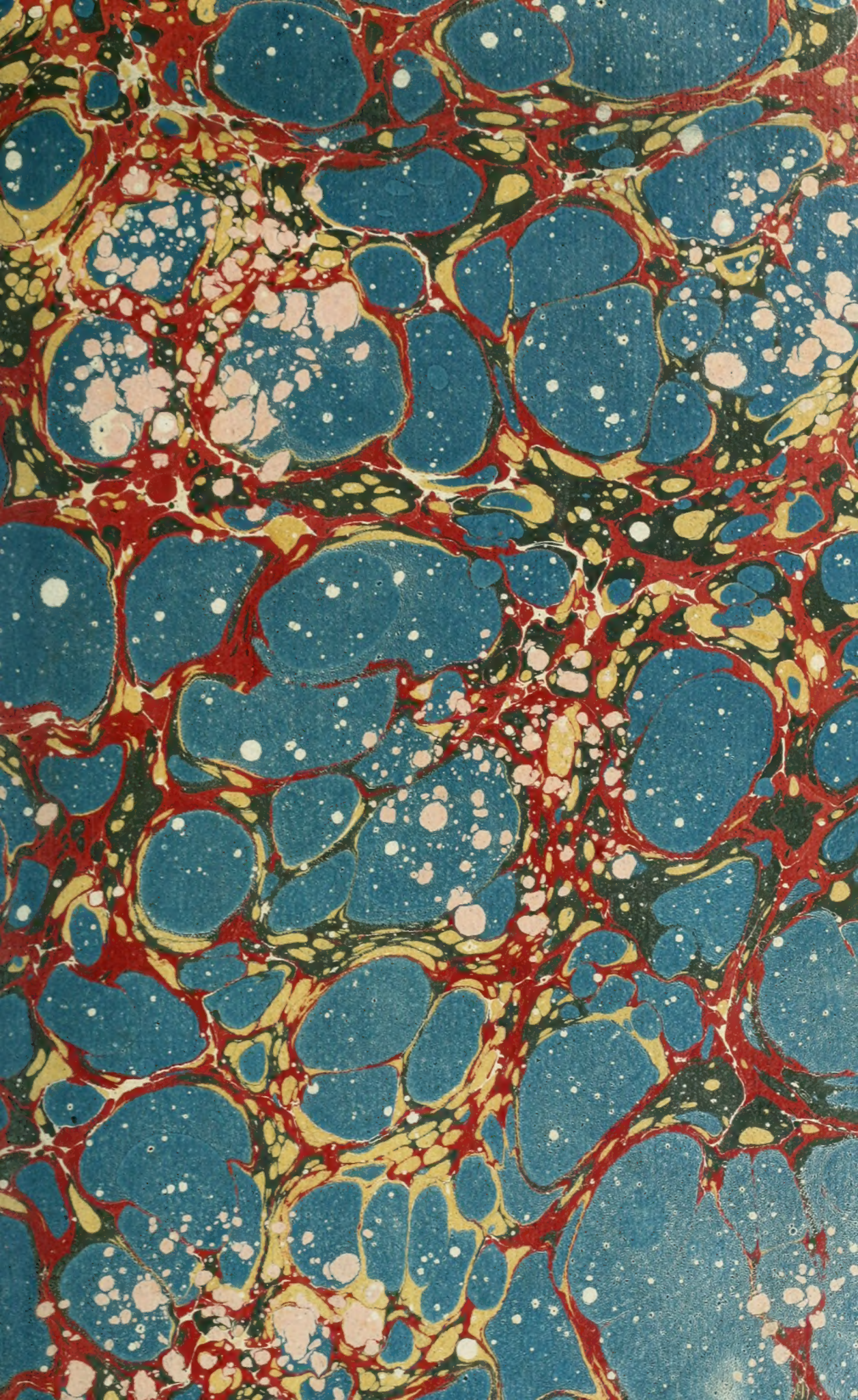
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12. J.



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Missing:
Rawley's Life (17 pp)
at end: Office of Lt Chancellor
by Selden and Dugdale
26 pp

Probably removed by Spedding for editing of archaic language & punctuation and sent to printer.

Portrait at front missing!
Hollar portrait should follow life
and before B'.
Otherwise complete
Note - Title to translation of Psalms
is misplaced - 2 leaves too soon

Earl of Derby plate

James Spedding's copy



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Tumulus
Prænob: FRANCISCI Baronis VERVLAM, Vicecomitisq; S. ALBAN
In Cancello Ecclesiæ S. Mich: apud S. ALBANVM.



FRANCISCVS BACON BARO DE VERVLAM, S. ALBANI VIC.^mus
SEV NOTIORIBVS TITVLIS
SCIENTIARVM LVMEN, FACVNDIÆ LEX
SIC SEDEBAT

QVI POSTQVAM OMNIA NATVRALIS SAPIENTIÆ
ET CIVILIS ARCANA EVOLVISSET
NATVRÆ DECRETVM EXPLEVIT
COMPOSITA SOLVANTVR
AN° DNI. M.D.C. XXVI°
ÆTAT.^is LXVI

TANTI VIRI
MEM.
THOMAS MEAVTVS
SVPERSTITIS CVLTOR
DEFVNCTI ADMIRATOR
H. P.

S. Wallar fecit 1676

RESVSCITATIO

Or, bringing into

PVBLICK LIGHT

SEVERAL

PIECES

OF THE

WORKS

Civil, Hiſtorical, Philoſophical, and Theological,

Hitherto SLEEPING

Of the Right Honourable

FRANCIS BACON

Baron of *Verulam*, Viſcount Saint *Alban*.

In Two Parts.

The Third Edition, According to the beſt Corrected COPIES, Together With his Lordſhips LIFE.

By WILLIAM RAWLEY, Doctor in Divinity, His Lordſhips Firſt and Laſt CHAPLAIN.

And lately his Majeſties CHAPLAIN in Ordinary.

LONDON

Printed by *S. G.* and *B. G.* for *William Lee*, and are to be ſold at his Shop, at the ſign of the Turks head in *Fleetſtreet* over againſt *Fetter Lane*. *Anno Domini* 1671.

THE
Stationer to the Reader.

LEaſt you ſhould miſtake my Deſigne in Reprinting this firſt part of Recuſsitatio, and be jealous that I may pretend additions to Depreciate the former Impreſſions (as is ſome times practiſed) I thought good to give you this ſhort Advertiſement, that there is nothing added to this Firſt Part, ſave only a Table and Sculpture of his Lordſhips Monument, procured me by that VVorthy Antiquary (and honourer of his Lordſhip) *William Dugdale* Eſquire, which I note for no other cauſe but to let you know, that if any perſon deſireth to have them bound to their old Books, they may buy them ſingle, and have them put in without hurting the cover; But the occaſion of Reprinting it was purely to ſupply Gentlemen who have long deſired it, and could not be furniſhed, I having made diligent inquiry amongſt all the Bookſellers in the town, and could not get one, you need not expect any Addition to this Part, it being perfect, but the Second Part I have now Reprinted with divers additions of his Lordſhips VVorkes, which hitherto moſt of them hath been in obſcuritie.

W. L.



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TO HIS

Sacred Majestie,

CHARLES THE II.

By the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c.

May it please your most excellent Majesty,



HEN this Book *was first published near four years past, there wanted a* Royal Majestie *in the Land to dedicate it unto; And a lower Dedication did not beseem the works of this Honourable* Author. *But now that it hath pleased* God, *that a* Sun *is risen in our* Hemisphere *again*; *This unpatroniz'd* Book *before, saluting the world with a* Second Edition; *Doth in all Humility press forward, and draw near to your* Sacred Majestie, *to be cherished by the Light and Warmth of your Royal Countenance and Protection. It is true, your* Majestie *hath now a living* Counsel *of the Ancient Splendour and Dignity*; *But yet it will not seem grievous to you at some times of Leisure, to confer with this Dead* Counseller; *who served several years in a principal* Office *of the*

the Kingdome *under your* Royal Grandfather (*the most learned of* Kings) *and was Graciously accepted by him during his Employment*: *Being also a* writer *well known and highly prized amongst Forreign* Nations. *It is recorded as the saying of a wise and pious* Bishop, *concerning St.* Augustine That it was Impossible that a Son of so many *Tears* should miscarry: *I may crave leave to say the like of your* Royal Majestie *in a converted sense*; *That it is impossible a* King *of so many* Prayers *and* VVishes, *and* Acclamations, Gratulations, *and* Joyes, *as your* Majestie *is* (Gods *Aid implored*) *should not be* prosperous. *And therefore as your Coming to your Rightful* Throne *with all the Circumstances therein observable amounted to no less then a Miracle*: *So we have Budding and Lively hopes, that your Prudent Administration of the same will be even a Mirrour to succeeding* Princes. *Which with your* Majesties *long Continuance in Life and Happiness is and shall be the Fervent and Daily* prayer *of*

Your Majesties most Humble,

and Devoted Subject,

and Servant,

W. Rawley.

TO THE

READER.

HAving been employed, as an *Amanuenſis* or daily Inſtrument, to this *Honourable Author*; And acquainted with his *Lordſhips* Conceits, in the compoſing, of hi *Works*, for many years together; Eſpecially in his Writing Time; I conceived, that no Man, could pretend a better Intereſt, or Claim, to the ordering of them, after his Death, than my ſelf. For which cauſe, I have compiled in one, whatſoever bears the true ſtamp, of his *Lordſhips* excellent *Genius*; And hath hitherto ſlept, and been ſuppreſſed; In this preſent *Volume*; Not leaving any Thing, to a future Hand, which I found, to be of moment, and communicable to the Publick; ſave onely ſome few *Latine Works*; Which, by *Gods* favour and ſufferance, ſhall ſoon after follow.

It is true, that for ſome of the *Pieces*, herein conteined, his *Lordſhip* did not aim, at the *Publication* of them, but at Preſervation onely; and *Prohibiting* them from *Periſhing*; So as, to have been repoſed, in ſome private *Shrine* or *Library*: But now, for that, through the looſe keeping of his *Lordſhips Papers*, whileſt he lived, divers *Surreptitious*

Copies have been taken; which have since, employed the *Treasse*, with sundry Corrupt, and Mangled *Editions*; whereby Nothing hath been more difficult, than to find the *Lord Saint Alban*, in the *Lord Saint Alban*; And which have presented, (some of them,) rather a Fardle of *Non sense*, than any true Expressions, of his *Lordships Happy Vein*; I thought my self, in a sort, tied, to vindicate these Injuries, and wrongs, done to the *Monuments*, of his *Lordships Pen*; And at once, by setting forth, the true, and Genuine, writings themselves, to prevent the like Invasions, for the time to come. And the rather, in regard, of the Distance, of the time, since his *Lordships* Dayes; whereby, I shall not tread too near, upon the *Heels* of *Truth*; Or of the passages, and persons then concerned, *I* was induced hereunto. Which, considering the *Lubricity* of *Life*; And for that, I account my self to be, Not now in *Vergentibus*, but in *Præcipitantibus Annis*, *I* was desirous to hasten.

Wherein, *I* shall crave leave, to open, my Counsels, and Purposes, as concerning this *present Edition*, in these five *Particulars*. First, *I* have ranked the several *Tractates*; Either, according to the *Dignity*, of the *Work*; as *Demosthenes*, or *Cicero's*, *Orations*, do precede *Demosthenes*, or *Cicero's Epistles*; Or else, according to the *series* of the *Times*, wherein they were written; or to which, they refer. By which Means, they may give the better Light; the one Part, to the other.

Secondly, *I* thought it fitting, to intimate; That the *Discourse*, within conteined; Entituled, A *Collection*, *of the Felicities*, *of Queen* Elizabeth; was written by his *Lordship*, in *Latine* onely: whereof, though his *Lordship* had his particular Ends, then; yet, in regard, that *I* held it a *Duty*, That her own *Nation*, over which she so happily reigned, for many years; should be acquainted, and possessed, with the Virtues, of that excellent *Queen*, as well as *Forrein Nations*; *I* was induced, many years ago, to put the same into the *English Tongne*; Not *Ad Verbum*; For that had been but Flat, and *I*njudicious,; But, (as far, as my slender Ability could reach,) according to the *Expressions*, which, *I* conceived his *Lordship* would have rendred it in, if he had written

written the ſame in *Engliſh* : Yet ever acknowledging, that *Zeuxis*, or *Apelles*, *Pencil*, could not be attained, but by *Zeuxis*, or *Apelles*, Himſelf. This *Work*, in the *Latine*, his *Lordſhip* ſo much affected; That He had ordained, by his *laſt Will*, and *Teſtament*, to have had it publiſhed, many years ſince: But that *ſingular Perſon*, entruſted therewith, ſoon after deceaſed. And therefore, it muſt now, expect a Time, to come forth, amongſt his *Lordſhips*, other *Latine Works*.

Thirdly, in the *Collection* of *Letters*; which is, as the Fourth *Part*, of this *Volume*; there are inſerted ſome few, which were written, by other *Pens*, and not by his *Lordſhips* own: Like as we find, in the *Epiſtolar Authors*; *Cicero*, *Plinius ſecundus*, and the reſt: which becauſe I found them immixed, amongſt his *Lordſhips Papers*; And that they are written, with ſome ſimilitude of *Stile*; I was loath, they ſhould be left, to a Grave, at that time, when his *Lordſhips* own *Conceptions*, were brought to life.

Fourthly, for that *Treatiſe*, of his *Lordſhip*, Inſcribed, *A Confeſſion of the Faith*; I have ranked that in the Cloſe, of this whole *Volume*: Thereby, to demonſtrate to the *World*; That he was a *Maſter*, in *Divinity*, as well as in *Philoſophy*, or *Politicks*; And that he was Verſed, no leſs, in the *ſaving Knowledge*; Than, in the *Univerſal*, and *Adorning*, *Knowledges*. For though, he compoſed the ſame, many years, before his Death, yet I thought that, to be the fitteſt place; As the moſt acceptable Incenſe unto *God*, of the *Faith*, wherein he reſigned his *Breath*; The Crowning, of all his other Perfections, and Abilities; And the beſt Perfume, of his Name, to the *World*, after his Death.

Laſtly, if it be objected, that ſome few of the *Pieces*, whereof this whole conſiſteth, had viſited the publick Light before; It is true, that they had been obtruded to the *World*, by unknown Hands; But with ſuch Skars, and Blemiſhes, upon their Faces; That they could paſs but for a *Spurious*, and *Adulterine Brood*, and not for his *Lordſhips Legitimate Iſſue*: And the Publiſhers, and Printers, of them, deſerve to have an *Action*, of *Defamation*, brought againſt them, by the *State of Learning*, for Diſgracing and Perſonating, his *Lordſhips Works*.

As

As for this present *Collection*, I doubt not, but that it will verifie it self, in the several *Parcells* thereof; and manifest, to all understanding, and unpartial *Readers*, who is the *Author* of it; By that *Spirit*, of *Perspicuity*, and *Aptness*, and *Conciseness*, which runs throuh the whole *Work*; and is ever an Annex of his *Lordships Pen.*

There is required now; and I have been moved by many; Both from *Forrein Nations*, and at *Home*; who have held in Price, and been Admirers, of this *Honourable Authors Conceits*, and *Apprehensions*; That some *Memorials*, might be added, concerning his *Lordships Life*; Wherein I have been more *Willing*, than *sufficient*, to satisfie their *Requests*: and to that end, have endeavoured, to contribute, not my *Talent*, but my *Mite*, in the next following *Discourse*; Though, to give the true Value, to his *Lordships* Worth; There were more need, of another *Homer*, to be the *Trumpet*, of *Achilles* Virtues.

WILLAM RAWLEY.

THE

RESUSCITATIO

PART I.

A Speech In Parliament, Elizabeth 39. *upon the Motion of Subsidy.*

AND pleaſe you, (Mr. *Speaker*,) I muſt conſider the *Time*, which is ſpent; yet ſo, as I muſt conſider alſo the *Matter*, which is great. This great *Cauſe* was, at the firſt, ſo materially, and weightily, propounded; And after, in ſuch ſort perſwaded, and enforced; And by Him, that laſt ſpake, ſo much time taken, and yet to good purpoſe; As I ſhall ſpeak at a great diſadvantage: But becauſe it hath been alwayes uſed, and the Mixture of this *Houſe* doth ſo require it; That in *Cauſes* of this Nature, there be ſome Speech and Opinion, as well from perſons of Generallity, as by perſons of Authority; I will ſay ſomewhat, and not much: wherein it ſhall not be fit for me, to enter into, or to inſiſt upon ſecrets, either of her *Majeſties* Coffers, or of her Councell, but my Speech muſt be, of a more vulgar Nature.

I will not enter (Mr. *Speaker*) into a laudative *Speech*, of the high and ſingular Benefits, which, by her *Majeſties*, moſt politick, and happy Government, we receive thereby to incite you to a Retribution; partly, becauſe no breath of Man, can ſet them forth worthily; and partly, becauſe I know her *Majeſty*, in her Magnanimity, doth beſtow her benefits, like her freeſt Patents, *abſque aliquo inde reddendo*; Not looking for any thing again, (if it were in reſpect only of her particular,) but Love and Loyalty. Neither, will I now, at this time, but the caſe of this *Realm* of *England*, too preciſely; How it ſtandeth with the Subject, in point of payments to the *Crown*; Though I could make it apear by Demonſtration, (what opinion ſoever be conceived.) that never Subjects were partakers of greater Freedom, and Eaſe; And that whether you look abroad, into other Countries, at this preſent time, or look back to former Times in this our own

A Speech in Parliament, Eliz. 39.

Countrey; we shall find an exceeding Difference, in matter of Taxes; which now I reserve to mention; not so much in doubt to acquaint your Ears with Forrain Strains, or to digge up the Sepulchers of Buried and Forgotten Impositions, which in this case, (as by way of Comparison,) it is necessary you understand; But because *Speech* in the *House*, is fit to perswade the generall point: And perticularly is more proper and seasonable for the *Committee*, Neither will I make any Observations, upon her *Majesties* manner of expending and issuing Treasure; being not upon excessive and exorbitant Donatives; nor upon sumptuous and unnecessary Triumphs, Buildings, or like Magnificence: but upon the Preservation, Protection, and Honour of the *Realm*. For I dare not scan upon her *Majesties* Actions: which it becometh me, rather to admire in silence, then to glosse, or discourse upon them, though with never so good a meaning. Sure I am that the Treasure that cometh from you to her *Majesty*, is but as a Vapour, which riseth from the Earth, and gathereth into a Cloud, and stayeth not there long; but upon the same Earth it falleth again: and what if some drops of this, do fall upon *France*, or *Flaunders*? It is like a sweet Odour of Honour, and Reputation to our *Nation* throughout the World. But I will onely insist upon the Natural and Inviolate, Law of Preservation.

It is a Truth, (Mr. *Speaker*,) and a familiar Truth, that safety, and preservation, is to be preferred, before Benefit, or Encrease: In as much as those Counsels which tend to preservation, seem to be attended with necessity; whereas those Deliberations, which tend to Benefit, seem onely accompanied with perswasion. And it is ever gain, and no loss, when at the foot of the account, there remains the purchase of safety. The Prints of this are, every where to be found: The *Patient*, will ever part, with some of his *Bloud*, to save and clear the rest. The *Sea-faring Man* will, in a Storm, cast over some of his *Goods*, to save and assure the rest. The *Husband-man* will afford some Foot of *Ground*, for his Hedge and Ditch, to fortifie and defend the rest. Why (Mr. *Speaker*) the *Disputer* will, if he be wise, and cunning, grant somewhat, that seemeth to make against him, because he will keep himself within the strength of his opinion, and the better maintain the rest. But this Place advertiseth me, not to handle the Matter in a Common Place. I will now deliver unto you that, which upon a *probatum est*, hath wrought upon my self, knowing your Affections to be like mine own. There hath hath fallen out, since the last *Parliament*, four Accidents or Occurrents of State; Things published and known to you all, by every one whereof it seemeth to me in my vulgar understanding, that the danger of this *Realm* is encreased: Which I speak not, by way of apprehending fear; For I know, I speak to English Courages; But by way pf pressing Provision; for I do find, (Mr. *Speaker*,) that when *Kingdomes* and *States*, are entred into Tearms and Resolutions of Hostility, one against the other, yet they are, many times restrained from their Attempts, by four Impediments.

The first is by this same *Aliud agere*; when they have their Hands full of other Matters, which they have embraced, and serveth for a diversion of their Hostile purposes.

The next is, when they want the Commodity, or opportunity, of some places of near Approach.

The third, when they have conceived an apprehension of the Difficulty and

and churlishness of the enterprise, and that it is not prepared to their Hand.

A Speech in Parliament, Eliz. 39.

And the fourth is, when a *State*, through the Age of the *Monarch*, groweth heavy, and indisposed, to actions of great Peril, and Motion, and this dull Humour, is not harpened, nor inflamed, by any provocations or scorns. Now if it please you to examine, whither by removing the Impediments in these four kinds, the Danger be not grown, so many degrees nearer us, by accidents (as I said) fresh, and all dated since the last *Parliament*.

Soon after the last *Parliament*, you may be pleased to remember, how the *French King* revolted from his *Religion*; whereby every Man of common understanding, may inferr, that the Quarrell, between *France*, and *Spain*, is more reconcileable; And a greater inclination of affairs to a peace than before: which supposed, it followeth, *Spain* shall be more free, to intend his Malice against this Realm.

Since the last *Parliament*, it is also notorious, in every mans knowledge and remembrance; That the *Spaniards* have possessed themselves, of that Avenue, and place of approach, for *England*, which was never in the Hands of any *King* of *Spain* before; And that is *Callais*; which, in true Reason, and Consideration of estate, of what value or service it is, I know not; but in common understanding, it is a knocking at our Doors.

Since the last *Parliament* also, that Ulcer of *Ireland*, which indeed brake forth before, hath run on, and raged more: which cannot but be a great Attractive, to the Ambition, of the *Councel* of *Spain*, who by former experience know, of how tough a Complexion, this *Realm* of *England* is, to be assailed: And therefore (as Rheumes, and Fluxes of Humours,) is like to resort to that part, which is weak, and distempered.

And lastly, it is famous now, and so will be many Ages hence, how by these two Sea-Journey's, we have braved him, and objected him to scorn: so that no Bloud, can be so frozen, or mortified, But must needs take Flames of Revenge, upon so mighty Disgrace.

So as this Concurrence of Occurrents, all since our last Assembly; some to deliver and free, our enemies; some to advance; and bring him on his way; some to tempt, and allure him; some to spur on and provoke him; cannot but threaten, an encrease of our Peril, in great Proportion.

Lastly, (Mr. *Speaker*,) I will but reduce to the Memory of this *House*, one other Argument, for ample and large providing, and supplying Treasure; And this it is.

I see, Men do with great Alacrity, and Spirit, proceed, when they have obtained a course, they long wished for, and were restrained from. My self can remember, both in this *Honourable Assembly*, and in all other places of this *Realm*, how forward, and affectionate, men were, to have an Invasive War. Then we would say; A Defensive War, was like eating, and consuming Interest; And needs we would be Adventurers, and Assailants. *Habes quod tota mente petiji.* Shall we not now make it good? especially, when we have tasted, so prosperous Fruit of our Desires?

The first of these Expeditions Invasive, was atchieved with great Felicity; ravished a strong and famous Port, in the Lap, and Bosome, of their high Countries: Brought them to such Despair, as they fired themselves, and their Indian Fleet; in Sacrifice, as a good Odour unto God, for the

A Speech to King James at his presenting the Petition of the Houses concerning Purveyors.

great and Barbarous Cruelties, which they have committed upon the poor Indians, whither that Fleet was sayling; Disordered their Reckonings so as the next News we heard of, was nothing but protesting of Bills and breaking credit.

The second Journey was with notable Resolution, born up against Weather, and all Difficulties; And besides the success, in amusing him, and puting him to infinite charge, sure I am, it was like a *Tartars*, or *Parthians Bow*, which shooteth backward; And, had a most strong, and violent effect, and Operation, both in *France* and *Flaunders*, so that our Neighbours, and Confederates, have reaped the Harvest of it; And while the Life Blood of *Spain*, went inward to the Heart, the outward Limbs, and Members trembled, and could not resist. And lastly, we have a perfect account, of all the Noble and good Bloud, that was carried forth, and of all our Sea-Walls and good Shipping without Mortallity of Persons, wreck of Vessels, or any manner of Diminution. And these have been the happy Effects, of our so long, and so much desired, Invasive War.

To conclude (Mr. *Speaker*,) therefore I doubt not, but every Man will consent, that our Gift must bear these two marks, and Badges: The one, of the Danger of the Realm, by so great a Proportion, since the last *Parliament*, encreased: The other, of the satisfaction we receive, in having obtained our so earnest and ardent Desire of an *Invasive War*.

A Speech *made by* Sir FRANCIS BACON *Knight*, *chosen by the* Commons, *to present a* Petition, *touching Purveyors, delivered to his* Majesty, *in the withdrawing Chamber, at White-Hall, in the* Parliament, *held* 1°. *&* 2°. Jacobi, *the first Session*,

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IT is well known, to your *Majesty*, (excellent *King*) that the *Emperours* of *Rome*, for their better Glory, and Ornament, did use in their *Titles*, the Additions of the *Countries* and *Nations*, where they had obtained victories: As *Germanicus*, *Britannicus*, and the like: But after all those Names, as in the higher place, followed the Name of *Pater Patriæ*, as the greatest Name of all humane Honour immediately preceding that Name of *Augustus*; whereby they tooke themselves, to expresse some affinity that they had (in respect of their office,) with Divine Honour. Your *Majesty* might, with good reason, assume to your self, many of those other Names; As *Germanicus*, *Saxonicus*, *Britannicus*, *Francicus*, *Danicus*, *Gothicus*, and others, as appertaining to you, Not by Bloud-shed, (as they bare them,) but by Bloud: your *Majesties* Royal Person, being a noble confluence, of streams, and veynes, wherein the Royall Bloud of many *Kingdoms* of *Europe*, are met, and united. But no Name is more worthy of you, nor may more truely be ascribed unto you, then that Name of *Father of your people*, which you bear and express, not in the Formality of your stile, but in the reall Course of your Government. We ought not to say unto you, as was said to *Julius Cæsar*

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Cæsar; *Quæ murmur habemus, quæ laudemus, expectamus*: That we have already wherefore to admire you, And that now we expect somewhat, for which to commend you, For we may, (without suspicion of Flattery) acknowledge, that we have found in your *Majesty* great Cause, both of Admiration, and Commendation. For great is the Admiration, wherewith you have possessed us, since this *Parliament* began, in those two Causes wherein we have had accesse unto you, and heard your Voice: That of the return of Sr, *Francis Goodwine*; And that of the Union; whereby it seemeth unto us, the one of these, being so subtile a Question of Law: And the other so high a Cause of Estate; That as the Scripture saith of the wisest *King*: *That his heart was as the Sands of the Sea*, which, though it be one of the largest, and vastest Bodies, yet it consisteth, of the smallest Moates, and Portions. So (I say) it appeareth unto us, in these two examples, that *God* hath given your *Majesty* a rare sufficiency, both to compasse, and fathome the greatest matters, and to discern the least. And for matter of praise and Commendation, which chiefly belongeth to Goodness, we cannot but with great thankfulness, professe, That your *Majesty*, within the Circle of one Year of your Raign, (*infra Orbem Anni Vertentis*) hath endeavoured to unite your *Church*, which was divided; To supply your *Nobility*, which was diminished: And to ease your *People*, in Cases where they were burthened and oppressed.

In the last of these, your high Merits: That is the Ease and Comfort of your *People*: Doth fall out to be comprehended, the *Message*, which I now bring unto your *Majesty* concerning the great Grievance, arising by the manifold Abuses of *Purveyors*, Differing in some Degree from most of the things wherein we deal, and consult: For it is true that the *Knights*, *Citizens*, and *Burgesses* in *Parliament* assembled are a Representative Body, of your *Commons*, and *Third Estate*: and in many matters, although we apply our selves to perform the trust of those that choose us, yet it may be, we do speak much out of our own Senses and Discourses. But in this grievance, being of that Nature whereunto the poor *People* is most exposed, and Men of Quality less: we shall most humbly desire your *Majesty*, to conceive, that your *Majesty*, doth not hear, our Opinions, or Senses, but the very Groans, and Complaints themselves, of your Commons, more truely, and vively, then by Representation. For there is no Grievance in your Kingdom, so generall, so continual, so sensible, and so bitter unto the common *Subject*, as this whereof we now speak, Wherein it may please your *Majesty* to vouchsafe me leave: First to set forth unto you the dutifull, and respective Carriage, of our proceeding; Next the substance of our Petition, and Thirdly, some Reasons and Motives, which in all humbleness we do offer to your *Majesties* Royal consideration, or Commiseration; we assuring our selves that never *King* raigned, that had better Notions of Head, and Motions of Heart, for the good and comfort of his loving *Subjects*.

For the first: In the course of *Remedy* which we desire, we pretend not, nor intend not, in any sort to derogate from your *Majesties* Prerogative; not to touch, diminish or question any your *Majesties* Regalities, or Rights. For we seek nothing but the Reformation of abuses, and the Execution of former Laws whereunto we are born. And although it be no strange Thing in *Parliament*, for new *Abuses*, to crave new *Remedies*; yet nevertheless in these abuses (which if not in Nature, yet in extremity and Heigth of them, are most of them new, we content our selves with the old Laws: Onely we desire a Confirmation and Quickening of them, in their Execution;

So

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So far are we, from any Humour of Innovation, or Incroachment.

As to the *Court*, of the *Green-Cloth*, ordained, for the Provision, of your *Majesties* most Honourable Houshold, we hold it Ancient, we hold it Reverent. Other *Courts* respect your Politick Person, but that respects your Naturall Person. But yet notwithstanding, (most Excellent King,) to use that Freedom which to Subjects that pour out their griefs before so gracious a *King*, is allowable, we may very well alledge unto your *Majesty*, a Comparison or Similitude, used by one of the *Fathers* in another matter, and not unfitly representing our Case in this point: and it is of the Leaves, and Roots of *Nettles*. The Leaves, are venomous, and stinging where they touch: The Root is not so, but is without Venome, or Malignity: and yet it is that Root, that bears and supports, all the Leaves.

To come now, to the substance, of our *Petition*. It is no other, then by the Benefit of your *Majesties* Laws, to be relieved of the abuses of Purveyors; Which abuses do naturally divide themselves into three sorts. The first they take in kind, that they ought not to take. The second, they take in Quantity, a far greater proportion, then commeth to your *Majesties* Use. The Third, they take in an unlawfull manner: In a manner, (I say) directly, and expresly prohibited by divers Laws.

For the first of these, I am a little to alter their Name. For instead of *Takers*, they become *Taxers*: Instead of taking provision for your *Majesties* service, they tax your people, *ad redimendam vexationem*: Imposing upon them, and extorting from them, divers sums of money, sometimes in gross, sometimes in the nature of Stipends annually paid, *Ne noceant*, to be freed, and eased of their oppression. Again, they take *Trees*, which by Law they cannot do; Timber-Trees, which are the Beauty, Countenance, and Shelter of Mens Houses, That Men have long spared from their own purse and profit; That Men esteem (for their use and delight,) above ten times the value: That are a loss, which Men cannot repair, or recover. These do they take to the defacing, and spoiling of your Subjects Mansions, and Dwellings, Except they may be compounded with, to their own Appetites. And if a Gentleman be too hard for them while he is at home, They will watch their time, when there is but a Bayliffe, or a Servant remaining, and put the Axe to the Root of the Tree, ere ever the Master can stop it. Again they use a strange and most unjust Exaction, in causing the Subjects to pay Poundage, of their own Debts, due from your *Majesty* unto them: so as a poor Man when he hath had his Hay, or his Wood, or his Poultry, (which, perchance, he was full loath to part with, and had, for the Provision, of his own Family, and not, to put to Sale,) taken from him, And that not at a just Price, but under the value, and cometh to receive his Mony, he shall have after the rate of 12. pence in the pound abated for Poundage, of his due payment, upon so hard Conditions. Nay further they are grown to that extremity, (as is affirmed, though it be scarce credible, save that in such Persons, all things are Credible) that they will take double Poundage, Once when the *Debenture* is made, and again the second time, when the money is paid.

For the second Point, (most *Gracious Soveraigne*) touching the *Quantity* which they take, far above that which is answered to your *Majesties* use, they are the only *Multiplyers* in the world, they have the Art of *Multiplycation*: For it is affirmed unto me, by divers gentlemen of good report

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report, and experience, in theſe Cauſes, as a Matter, which I may ſafely avouch, before your *Majeſty*, (To whom we owe all Truth, as well of Information, as Subjection;) That there is no Pound profit, which redounded to your *Majeſty* in this Courſe; But induceth, and begetteth three Pound damage upon your Subjects; beſides the Diſcontentment. And to the end they make their Spoil more ſecurely, what do they? whereas divers Statutes do ſtrictly provide, that whatſoever they take, ſhall be regiſtred, and atteſted; To the end, that by making a Collection, Or that which is taken from the Countrey, and that which is anſwered above their Deceits might appear; They to the end, to obſcure their Deceits, utterly omit the Obſervation of this, which the Law preſcribeth.

And therefore to deſcend, if it may pleaſe your *Majeſty*, to the third ſort of *Abuſe*, which is of of the unlawfull *Manner* of their Taking, whereof this Queſtion is a Branch, It is ſo manifold, as it rather asketh an Enumeration of ſome of the Particulars, than a proſecution of all. For their *Price*: By Law they ought to take as they can agree with the Subject, by abuſe they take, at an impoſed and inforced *Price*: By Law, they ought to make but one *Aprizement*, by Neighbours in the Countrey, by abuſe, they make a ſecond *Aprizement* at the *Court Gate*, and when the Subjects Cattell come up, many Miles, lean, and out of Plight by reaſon of their Travell then they prize them anew, at an abated price: by Law, they ought to take between Sun and Sun, by abuſe they take by Twilight, and in the Night time, a Time well choſen for Malefactours, by Law they ought not to take in the High-wayes, (a place, by your *Majeſties* high prerogative protected, and by Statute by ſpecial words, excepted) by abuſe they take in the wayes in Contempt of your *Majeſties* prerogative, and Laws: by Law they ought to ſhew their Commiſſion and the Form of Commiſſion is by Law ſet down, The Commiſſions they bring down are againſt the Law: and becauſe they know ſo much they will not ſhew them. A number of other particulars there are, (whereof at I have given your *Majeſty* a Taſt) ſo the chief of them upon deliberate adviſe are ſet down in writing by the Labour of certain *Committees*, and approbation of the whole *Houſe* more particularly and lively than I can expreſs them: My ſelf having them at the ſecond hand by reaſon of my abode above. But this writing is a Collection of theirs who dwell amongſt the abuſes of theſe offenders and complaints of the People and therefore muſt needs have a more perfect underſtanding of all the Circumſtances of them.

It remaineth only that I uſe a few words the rather to move your *Majeſty*, in this cauſe. A few words, (I ſay,) a very few, for neither need ſo great Enormities any aggravating neither needeth ſo great Grace, as uſeth of it ſelf, to flow from your *Majeſties* Princely Goodneſs, any artificiall perſwading. There be two things only, which I think good, to ſet before your Majeſty. The one, the example, of your moſt Noble *Progenitours*, *Kings* of this *Realm*, who from the Firſt *King*, that endowed this *Kingdom*, with the *Great Charters* of their Liberties, untill the laſt, have ordained, moſt of them, in their ſeverall *Raigns*. ſome Laws, or Law againſt this kind of Offenders: and ſpecially the Example of one of them, that King, who for his Greatneſs, Wiſdom. Glory, and Union of ſeverall Kingdoms, reſembleth your Majeſty moſt, both in Vertue, and Fortune, *King Edward* the Third, who, in his time onely, made ten ſeveral

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all Laws, againſt this Miſchief. The ſecond, is the Example of *God* himſelf; who hath ſaid and pronounced, *That he will not hold him guiltleſs, that take his Name in vain.* For all theſe great Miſdemeanours, are committed, in, and under your *Majeſtie's* Name. And therefore we hope your *Majeſty*, will hold them twice guilty, that commit theſe offences: Once for the oppreſſing of the People: And once more, for doing it, under the Colour, and abuſe, of your *Majeſties* moſt dreaded, and beloved Name. So then, I will conclude, with the ſaying of *Pindarus*; *Optima Res Aqua*: Not for the Excellency, but for the Common uſe of it, And ſo contrary-wiſe, the Matter of abuſe of Purveyance, (if it be not the moſt hainous abuſe,) yet certainly, it is the moſt common, and generall abuſe of all others, in this Kingdom.

It reſteth, that according to the command laid upon me, I do in all Humbleneſs, preſent this writing, to your *Majeſties* Royall Hands; with moſt humble Petition, on the behalf, of the Commons; That, as your *Majeſty*, hath been pleaſed to vouchſafe your Gracious Audience to hear me ſpeak: So you would be pleaſed, to enlarge your Patience, to hear this writing read, which is more Materiall.

A Speech *uſed by* Sir FRANCIS BACON *in the Lower* Houſe *of* Parliament, 5°. Jacobi, *concerning the Article, of generall Naturalization, of the* Scotiſh Nation.

IT may pleaſe you, (Mr. *Speaker*,) Preface will I uſe none, but put my Self, upon your good Opinions, to which I have been accuſtomed beyond my Deſervings. Neither will I hold you in ſuſpence, what way I will chooſe; But now, at the firſt, declare my ſelf, that I mean to counſell the *Houſe*, to naturalize this *Nation*. Wherein, nevertheleſs, I have a requeſt to make unto you; which is of more Efficacy, to the purpoſe, I have in Hand, then all that I ſhall ſay afterwards. And it is the ſame, which *Demoſthenes* did, more than once, in great Cauſes of Eſtate, make to the People of Athens; *Ut cum Calculis Suffragiorum, ſumant Magnanimitatem Reip.* That when they took into their hands the Balls, whereby to give their Voices, (according as the manner of them was;) They would raiſe their Thoughts, and lay aſide thoſe Conſiderations, which their private Vocations, and Degrees, might miniſter, and repreſent unto them: And would take, upon them, Cogitations and Minds, agreeable to the Dignity, and Honour, of the *Eſtate*.

For, Mr. *Speaker*, as it was aptly, and ſharply ſaid, by *Alexander*, to *Parmenio*; when upon the Recitall, of the great offers, which *Darius* made, *Parmenio* ſaid unto him; *I would accept theſe offers, were I as Alexander*: He Turned it upon him again; *So would I*, (ſaith he) *were I as Parmenio*. So, in this Cauſe, if an honeſt *Engliſh Merchant*, (I do not ſingle out that State, in diſgrace; For this *Iſland* ever held it Honourable; But only for an Inſtance, of a private profeſſion:) If an *Engliſh Merchant* ſhould ſay, *Surely I would proceed no further in the union, were I as the*

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the King; It might be reasonably answered; *No more would the King, were he as an English Merchant.* And the like may be said of a *Gentleman* of the *Country*, be he never so worthy and sufficient, or of a *Lawyer*, be he never so wise and learned, or of any other particular Condition, in this Kingdom. For certainly, Mr. *Speaker*, if a Man shall be only, or chiefly, sensible, of those Respects, which his particular Vocation, and Degree, shall suggest, and infuse, into him: And not enter into true, and worthy Considerations, of Estate, he shall never be able aright to give Counsell, or take Counsell in this Matter. So that if this Request be granted, I account the Cause obtained.

But to proceed to the Matter it self. All Consultations, do rest, upon Questions Comparative. For when a Question is, *De vero*, it is simple. For there is but one *Truth*: But when a Question is, *De Bono*, it is for the most part Comparative: For there be differing Degrees, of *Good*, and *Evill*, and the best of the good is to be preferred, and chosen: And the worst of the [illegible] to be eschewed and avoyded. And therefore, in a Question of this Nature, you may not look for Answers proper to every Inconvenience, alledged. For [illegible]what that cannot be specially answered, may nevertheless, be incountred and over-weighed, by matter of greater moment. And therefore the Matter, which I shall set forth unto you, will naturally receive this Distribution of three parts.

First, an Answer, unto those Inconveniences, which have been alledged, to ensue, if we should give way to this *Naturalization*: which, I suppose, you will find, not to be so great, as they have been made: But that much Dross, is put into the Ballance, to help to make weight.

Secondly, an Encounter against the Remain, of those Inconveniences, which cannot properly be answered, by much greater Inconveniencies, which we shall incur, if we do not proceed, to this *Naturalization.*

Thirdly, an Encounter likewise, but of another Nature, That is by the gain, and benefit, which we shall draw, and purchase to our selves, by proceeding to this *Naturalization.* And yet to avoid Confusion, which evermore followeth of too much Generality, it is necessary for me, before I proceed to perswasion, to use some Distribution of the Points, or Parts of *Naturalization*: Which certainly can be no better, nor none other, than the ancient Distribution, of *Jus Civitatis*, *Jus Suffragii*, *vel Tribus*, and *Petitionis*, *sive Honorum.* For all Ability, and Capacity, is either of private interest, of *Meum & Tuum*, or of publick Service. And the publick consisteth chiefly, either in Voice, or in Office. Now it is the first of these, Mr. *Speaker*, that I will only handle at this Time, and in this place, and reserve the other two for a Committee: Because they receive more Distinction, and Restriction,

To come therefore, to the Inconveniences alledged on the other part. The first of them is, that there may ensue of this *naturalization*, a surcharge of people upon this *Realm* of *England*; which is supposed already, to have the full charge, and content: and therefore, there cannot be an admission of the adoptive, without a Diminution, of the Fortunes, and Conditions of those that are Native Subjects of this Realm. A grave Objection, Mr. *Speaker*, and very undutifull, for it proceedeth not, of any unkindness, to the *Scottish Nation*, but of a Naturall Fastness to our selves. For that Answer of the *Virgins*; *Ne forte non sufficiat Vobis & Nobis*, proceeded, not out of any Envy, or malign humour, but out of providence, and that originall charity, which begins with our selves. And

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I must confesse, Mr. *Speaker*, that, as the Gentleman said, when *Abraham*, and *Lot*, in regard of the Greatnes of their Families, grew pent, and straitened; it is true, that (Brethren though they were) they grew to difference, and to those words; *Vade tu ad Dextram: & ego ad sinistram*, &c. But certainly, I should never have brought that example on that side, For we see what followed of it; How that this Separation, *ad Dextram*, and *ad Sinistram*, caused the miserable Captivity of the one Brother, and the Dangerous, though prosperous War, of the other, for his Rescous and Recovery.

But to this Objection, Mr. *Speaker*, being so weighty, and so principall, I mean to give three several Answers; every one of them, being, to mine understanding, by it self sufficient.

The first is, that this Opinion of the Numbers of the *Scottish Nation*, that should be likely, to plant themselves here amongst us, will be found to be a Thing, rather in Conceit, then in Event. For (Mr. *Speaker*) you shall finde this plausible Similitudes, of a Tree, that will thrive the better, if it be removed into a more fruitfull Soyl, And of Sheep, or Cattle: that if they find a Gap, or passage open, will leave the more barren Pasture, and get into the more Rich, and plentifull; To be but Arguments meerly superficiall, and to have no sound Resemblance, with the Transplanting, or Transferring of Families. For the Tree, we know, by nature, as soon as it is set in the better Ground, can fasten upon it, and take Nutriment from it: And a sheep as soon as he gets into the better Pasture, what should let him to graze, and feed? But there belongeth more, (I take it) to a Family, or particular Person, that shall remove from one Nation, to another. For if (Mr. *Speaker*) they have not Stock, means, Acquaintance and Custome, Habitation, Trades, Countenance, and the like; I hope, you doubt not, but they will starve, in the midst of the rich Pasture; And are far enough off, from grazing, at their pleasure. And therefore in this point, which is conjecturall, Experience is the best Guide: For the Time past, is a Pattern, of the Time to come. I think, no Man doubteth, Mr. *Speaker*) but his *Majesties* first comming in, was as the greatest Spring-tide, for the Confluence, and Entrance, of that *Nation*. Now I would fain understand, in these four years space, and in the fulness and Strength, of the Current and Tide, how many Families, of the *Scottish* Men, are planted, in the *Cities*, *Boroughs*, and *Towns*, of this *Kingdom*? For I do assure my self, that more then some Persons of Quality, about his *Majesties* Person, here at the *Court*, and in *London*, And some other inferiour Persons, that have a Dependancy upon them; The Return and Certificate, if such a Survey, should be made, would be of a Number extremely small. I report me, to all your private knowledges, of the places where you inhabit.

Now Mr. *Speaker*,) as I said, *Si in Ligno viridi id fit, quid fiet in arido?* I am sure there will be no more such Spring-Tides. But you will tell me, of a multitude of Families of the *Scottish Nation* in *Polonia*: And if they multiply in a Countrey, so far off, how much more here at hand? For that (Mr. *Speaker*) you must impute it, of necessity, to some speciall Accident of Time, and place, that draweth them thither. For you see plainly before your eyes, that in *Germany*, which is much nearer; And in *France*, where they are invited with priviledges, And with this very priviledge, of *Naturalization*, yet no such Number can be found. So as it cannot be, either nearnes of place, or priviledge of Person, that is the

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the Cauſe. But ſhall I tell you (Mr. *Speaker,*) what I think: of all the places in the World, near or far of, they will never take, that courſe of life, in this Kingdom, which they content themſelves with, in *Poland.* For we ſee it, to be the Nature of all men, that they will rather diſcover Poverty abroad, than at home. There is never a Gentleman, that hath over-reached himſelf in Expence, and thereby muſt abate his Countenance, but he will rather travell, and do it abroad, than at home. And we know well, they have good high Stomacks, and have ever ſtood, in ſome terms, and Emulation, with us; And therefore they will never live here, except they can live in good faſhion. So as I aſſure you (Mr. *Speaker,*) I am of Opinion, that the ſtrife, which we now have to admit them, will have like Sequele, as that Contention had, betweene the *Nobility*, and *People* of *Rome*, for the admitting of a *Plebeian Conſul*; which while it was in paſſing, was very vehement, and mightily ſtood upon: And when the People had obtained it, they never made any *Plebeian Conſul*; No, not in 60. years after. And ſo will this be for many years, as I am perſwaded, rather a Matter in Opinion, than in uſe, or effect: And this is the firſt Anſwer, that I give to this main Inconvenience, pretended, of Surcharge of *People.*

The Second anſwer, which I give to this Objection, is this: I muſt have leave to doubt, (Mr. *Speaker,*) that this *Realm* of *England*, is not yet peopled to the full. For certain it is, that the Territories of *France*, *Italy*, *Flaunders*, and ſome parts of *Germany*, do in equall ſpace of Ground bear and contain a far greater Quantity of People, if they were muſtred by the *Poll.* Neither can I ſee, that this Kingdom, is ſo much inferiour unto thoſe forrain parts in fruitfulneſs, as it is in population; which makes me conceive, we have not our full charge. Beſides, I do ſee manifeſtly among us, the Badges, and Tokens, rather of Scarceneſſe, than of Preſs of People; as drowned Grounds, Commons, Waſtes, and the like: Which is a plain Demonſtration, that howſoever there may be an overſwelling throng, and preſs of *People*, here about *London*, which is moſt in our Eye; yet the Body of the *Kingdom*, is but thin ſown with *People.* And whoſoever ſhall compare, the Ruines and Decayes of ancient Towns, in this Realm, with the Erections, and Augmentations of new, cannot but judge, that this *Realm*, hath been far better peopled in former times; It may be in the Heptarchy or otherwiſe; For generally the Rule holdeth, *The ſmaller ſtate the greater population, pro rata.* And whether, this be true or no, we need not ſeek further than to call to our remembrance, how many of us, ſerve here in this place, for deſolate and decayed Burroughs. Again (Mr. *Speaker,*) whoſoever looketh into the principles of Eſtate, muſt hold it, that it is the *Mediterrane Countries*, and not the *Maritime*, which need to fear ſurcharge of *People.* For all *Sea Provinces*, and ſpecially *Iſlands*, have another Element, beſides the Earth, and Soil, for their Suſtentation. For what an infinite number of People are, and may be ſuſtained by Fiſhing, Carriage by Sea, and Merchandizing? wherein, I do again diſcover, that we are not at all pinched, by multitude of *People.* For if we were, it were not poſſible that we ſhould relinquiſh, and reſign, ſuch an infinite benefit of fiſhing to the *Flemmings*, as it is well known, we do. And therefore I ſee, that we have waſtes by Sea, as well as by Land: which ſtill is an infallible argument, that our Induſtry, is not awaked, to ſeek maintenance by any over great Preſs or charge of people.

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And lastly (Mr. *Speaker*) there was never any *Kingdom*, in the Ages of the world, had, I think, so fair, and happy means to issue and discharge the multitude of their people, (if it were too great) as this *Kingdom* hath; in regard, of that desolate, and wasted *Kingdom* of *Ireland*; which (being a Countrey, blessed with almost all the Dowries of Nature; As Rivers, Havens, Woods, Quarries, good Soyl, and temperate Climate; And now at last, under his *Majesty*, blessed also with obedience) Doth, as it were, continually call unto us, for our Colonies, & Plantations. And so I conclude my second answer to this pretended Inconvenience of surcharge of People.

The third Answer, (Mr. *Speaker*) which I give, is this. I demand what is the worst Effect, which can follow of surcharge of *People*? Look into all stories, and you shall find it none other, than some Honourable War, for the enlargement of their Borders, which find themselves pent upon Forrain parts. Which Inconvenience, in a Valourous and Warlike Nation, I know not whether I should term, an Inconvenience, or no? For, the saying is most true, though in another sense; *Omne solum Forti Patria.* It was spoken indeed, of the patience of an exil'd Man: But it is no less true, of the valour, of a Warlike Nation. And certainly, (Mr. *Speaker*,) I hope I may speak it without offence: That if we did hold our selves worthy, whensoever just Cause should be given, either to recover our ancient Rights; Or to revenge our late wrongs; Or to attain the Honour of our Ancestors; Or to enlarge the Patrimony of our Posterity; We would never in this manner forget Considerations of amplitude and greatness, and fall at variance, about profit, and reckonings; fitter a great deal, for private persons, than for *Parliaments*, and *Kingdoms*. And thus (Mr. *Speaker*,) I leave this first objection to such Satisfaction, as you have heard.

The second Objection is, that the Fundamental Laws of both these *Kingdoms* of *England*, and *Scotland*, are yet divers, and severall: Nay more, that it is declared by the Instrument, that they shall so continue; and that there is no intent in his *Majesty*, to make Innovation in them: and therefore, that it should not be seasonable to proceed to this Naturalization, whereby to endow them, with our Rights, and Priviledges, except they could likewise receive, and submit themselves, to our Laws. And this Objection likewise, (Mr. *Speaker*) I allow to be a weighty Objection, and worthy to be well answered, and discussed.

The answer, which I shall offer, is this. It is true, for mine own part, (Mr. *Speaker*,) that I wish, the *Scottish Nation*, governed by our Laws, For I hold our Laws, with some reducement, worthy to govern, if it were the World. But this is that which I say, and I desire therein your attention; That, according to true reason of Estate, *Naturalization* is, in Order, First: and precedent, to union of Laws; In degree, a less matter, than union of Laws; And, in Nature separable, not inseparable, from union of Laws. For Naturalization, doth but take out the Marks of a Forrainer; But union of Laws, makes them entirely as our selves: *Naturalization* taketh away separation; But union of Laws doth take away Distinction. Do we not see, (Mr. *Speaker*,) that in the administration of the world, under the great *Monarch*, *God* himself, that his Lawes are divers, one Law in *Spirits*, another in *Bodies*, one Law in *Regions celestial*, another in *Elementary*? And yet the Creatures, are all one Mass, and Lump, without any vacuum, or separation? Do we not see, likewise, in the State of the Church, that amongst *People*, of all Languages

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and Linages, there is one *Communion* of *Saints*? and that, we are all Fellow Citizens, and naturalized, of the Heavenly Hierusalem? and yet nevertheleſs, divers, and ſeverall Eccleſiaſticall Laws, Polices, and Hierarchies, according to the Speech, of that worthy Father; *In veſte varietas ſit, ſciſſura non ſit.* And therefore certainly, (Mr. *Speaker*,) the Bond of Law, is the more ſpeciall, and private Bond, and the Bond of *Naturalization*, the more common, and general. For the Laws are rather *Figura Reip*, than *Forma*; and rather *Bonds of perfection*, than *Bonds of Entirenes*. And therefore we ſee in the Experience of our own Government, that in the Kingdom of *Ireland*, all our Statute-Laws, ſince *Poynings Law*, are not in force; and yet we deny them not, the Benefit of *Naturalization*. In *Gerſey*, *Garrſey*, and the *Iſſle of Man*, our Common-Laws are not in force; and yet they have the Benefit of *Naturalization*. Neither need any Man doubt, but that our Laws, and Cuſtomes, muſt, in ſmall time gather, and win upon theirs. For here's the Seat of the Kingdom, whence come the ſupreme Directions of Eſtate, Here is the *Kings Perſon*, and *Example* of which the Verſe ſaith

Regis ad Exemplum totus componitur Orbis.

And therefore, it is not poſſible, although not by ſolemne, and formall act of Eſtates; yet by the ſecret Operation, of no long time, but they will come under the yoak of our Laws; and ſo *Dulcis tractus pari jugo*. And this is the anſwer, I give, to this ſecond objection.

The third Objection, is ſome Inequality, in the Fortunes, of theſe two *Nations*, *England* and *Scotland*; By the Commixtu e whereof, there may enſue advantage to them, and Loſs to us. Wherein, (Mr. *Speaker*) it is well, that this Difference, or Diſparity, conſiſteth but in externall Goods of Fortune. For indeed it muſt needs be confeſſed, that for the Goods of the Mind, and the Body, they are *Alteri Nos*, *Other our ſelves* For to do them right, we know in their Capacity, and underſtanding they are a people Ingenious, in Labour Induſtrious in Courage Valliant, in Body Hard, Active, and Comely. More might be ſaid, but in commending them, we do but in effect commend our ſelves: For they are of one Piece, and Continent with us: and truth is, we are participant, both of their Vertues, and Vices. For if they have been noted, to be a people not ſo tractable in Government, we cannot, without flattering our ſelves, free our ſelves altogether from that fault, being indeed, a thing incident, to all Martiall *People*. As we ſee it evident, by the example of the *Romans*, and others. Even like unto fierce Horſes, that though they be, of better ſervice then others, yet are they harder, to guide and to mannage.

But for this Objection, (Mr. *Speaker*) I purpoſe to anſwer it; Not by authority of *Scripture*, which ſaith. *Beatius eſt dare quam accipere*: But by an authority framed and derived from the judgement of our ſelves and our Anceſtors, in the ſame caſe, as to this point. For (Mr. *Speaker*) in all the Line of our Kings, none uſeth to carry greater Commendation, then his Majeſties Noble Progenitour, King *Edward* the firſt of that Name: and amongſt his other commendations, both of War, and pollicy, none is more celebrated, then his purpoſe, and enterpriſe, for the Conqueſt of *Scotland*: as not bending his Deſignes to glorious acqueſts abroad, but to ſolid ſtrength at home; which nevertheleſs if it had ſucceeded well, could not, but have brought in, all thoſe inconveniences, of the Commixture of a more Opulent *Kingdom*, with a leſs that are now alledged,

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alledged. For it is not the Yoke either of our Arms, or of our Laws, that can alter the nature of the *Climate*, or the Nature of the *Soyl*: Neither is it the *Manner* of the *Commixture*, that can alter the *Matter* of *Commixture*. And therefore (Mr. *Speaker*) if it were good for us then, it is good for us now; and not to be priſed the leſs, becauſe we paid ſo dear for it. But a more full anſwer to this Objection, I refer over to that which will come after to be ſpoken, touching Surety, and Greatneſs.

The fourth Objection (Mr. *Speaker*) is not properly an Objection, but rather a preoccupation of an Objection, of the other ſide: for it may be ſaid, and very materially, whereabout do we contend? The benefit of *Naturalization* is by the Law, in as many as have been, or ſhall be born, ſince his *Majeſties* Comming to the *Crown*, already ſetled, and inveſted. There is no more then, but to bring the *Ante-Nati*, into the Degree of the *Poſt-Nati*; that men grown, that have well deſerved, may be in no worſe caſe than children, which have not deſerved: and Elder Brothers, in no worſe caſe, than younger Brothers. So as we ſtand, uppon *Quiddam*, not *Quantum*; being but a little difference of Time, of one Generation from another.

To this (Mr. *Speaker*) it is ſaid by ſome; that the Law is not ſo, but the *Poſt Nati*, are Aliens, as well as the reſt. A point that I mean not much to argue, both becauſe it hath been well ſpoken to, by the Gentleman, that ſpake laſt before me; and becauſe I do deſire, in this Caſe, and in this place to ſpeak rather of Convenience, than of Law. Onely this will I ſay, that that Opinion, ſeems to me contrary to reaſon of Law; Contrary to form of pleading in Law; and contrary to Authoritty and experience of Law. For reaſon of Law, when I meditate of it, Methinks the wiſdom, of the Common Laws of *England*, well obſerved, is admirable in the diſtribution of the benefit, and protection, of the Laws; according to the ſeverall conditions of Perſons, in an excellent Proportion. The Degrees are four, but bipartite. Two of *Aliens*, and Two of *Subjects*. The firſt Degree, is of an *Alien*, born under a *King*, or *State*, that is an Enemy. If ſuch an one come into this Kingdom without ſafe Conduct, it is at his perill: The Law giveth him no protection, neither for Body, Lands, nor Goods: So as if he be ſlain, there is no Remedy, by any appeal, at the parties ſute, although his Wife were an *Engliſh* Woman: Marry at the *Kings* ſute the Caſe may be otherwiſe, in regard of the offence to the *Peace*. The ſecond Degree is of an *Alien* that is born under the faith, and allegiance of a *King* or *State*, that is a friend. Unto ſuch a Perſon, the Law doth impart a greater benefit and protection; that is, concerning things perſonall, Tranſitory, and moveable; as Goods, and Chattels, Contracts, and the like: But not concerning freehold, and inheritance. And the reaſon is, becauſe he may be an Enemy, though he be not. For the *State* under the Obeiſance of which he is, may enter into Quarrell, and Hoſtility; And therefore, as the Law hath but a Tranſitory aſſurance of him, ſo it rewards him, but with Tranſitory Benefits. The third Degree, is, of a Subject, who having been an *Alien* is by *Charter* made *Denizen*. To ſuch an one, the Law doth impart, yet a more ample Benefit: For it gives him power, to purchaſe Free-hold and Inheritance to his own uſe: and likewiſe enables the Children born after his Denization to inherit. But yet nevertheleſſe he cannot make Title, or convey Pedegree, from any Anceſtour Paramount

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meant. For the Law, thinks not good, to make him, in the true Degree, with a Subject born: Becauſe he was an Alien, and ſo might once have been an Enemy. And *Nemo ſubito fingitur*: Mens affections cannot be ſo ſetled, by any Benefit, as when from their Nativity, they are inbred and inherent. And the fourth Degree, which is the perfect Degree, is of ſuch a Perſon, that neither is Enemy, nor can be Enemy in time to come; Nor could have been Enemy at any time paſt; And therefore the Law gives unto him the full Benefit of *Naturalization*. Now, (Mr. *Speaker*) if theſe be the true ſteps, and paces of the Law, no Man can deny, but whoſoever is born under the *Kings* Obedience, never could, in *aliquo puncto temporis*, be an Enemy; (A *Rebell* he might be, but no Enemy) and therefore, in Reaſon of Law, is naturalized. Nay contrari-wiſe he is bound, *Jure Nativitatis*, to defend this *Kingdom of England*, againſt all Invaders or Rebels: and therefore as he is obliged, to the protection of Arms; And that perpetually, and univerſally; ſo is to have the perpetuall, and univerſall benefit and protection of Law, which is *Naturalization*.

For Form of *Pleading*, it is true, that hath been ſaid; That if a Man, would plead another to be an *Alien*; he muſt not only ſet forth negatively, and privately, that he was born out of the Obedience of our Soveraign Lord the *King*; But affirmatively, under the Obedience, of a forrain *King*, or *State*, in particular; which never can be don in this caſe.

As for *Authority*, I will not preſs it; you know all what hath been publiſhed, by the *Kings Proclamation*.

And for *Experience of Law*, we ſee it in the Subjects of *Ireland*; In the Subjects of *Gerſey*, and *Geriſey*, parcels of the *Dutchy of Normandy*; In the Subjects of *Calleis*, (when it was *Engliſh*) which was parcell of the *Crown* of *Fraunce*. But, as I ſaid, I am not willing to enter into an *Argument* of *Law*, but to hold my ſelf, point of *Convenience*.

So as, for my part, I hold all *Poſt-Nati*, Naturaliſed, *ipſo Jure*. But yet, I am far from Opinion, that it ſhould be a thing ſuperflueus to have it done by *Parliament*; Chiefly, in reſpect, of that true principle, *Principum Actione præcipuè ad Famam ſunt componendæ*. It will keep up a Sign, to all the World, of our Love towards them, and good agreement with them. And theſe are (Mr. *Speaker*) the Materiall Objections which have been made of the other Side, whereunto you have heard mine anſwers: Weigh them in your Wiſdomes, and ſo I conclude that General Part.

Now, (Mr. *Speaker*) according as I promiſed, I muſt fill the other Ballance, in expreſſing unto you the Inconveniences, which we ſhall Incurre, if we ſhall not proceed to this *Naturalization*. Wherein that Inconvenience, which of all others, and alone by it ſelf, if there were none other, doth exceedingly move me, and may move you, as a Poſition of Eſtate, collected out of the Records of Time, which is this: That whereſoever ſeverall *Kingdomes* or *Eſtates*, have been united in *Soveraignty*; If that Union hath not been fortified, and bound in, with a further Union; and namely that, which is now in Queſtion of *Naturalization*, this hath followed; That at one time or other, they have broken again, being upon all occaſions apt to revolt, and relapſe, to the former ſeparation.

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Of this Assertion, the first Example, which I will set before you, is of that memorable *Union*, which was between the *Romans* and the *Latines* which continued, from the Battaile, at the *Lake of Regilla*, for many yeares, until the Consulships of *T. Manlius* and *P. Decius*. At what time there began, about this very point of *Naturalization*, that War, which was called *Bellum Socile*, being the most Bloudy, and pernicious War, that ever the *Roman State* endured. Wherein after numbers of Battailes, and infinite Seiges, and Surprises of Towns, the *Romans* in the end prevailed and mastered the *Latines*. But assoon as ever they had the Honour of the War, looking back into what Perdition, and confusion they were near to have been brought, they presently naturalized them all. You speak of a *Naturalization* in *Elud*, There was a *Naturalization* indeed in *Bloud*.

Let me set, before you again, the Example of *Sparta*, and the rest of *Peloponnesus*, their Associates. The *State* of *Sparta*, was a nice, and jealous State, in this point, of imparting *Naturalization*, to their Confederates, but what was the issue of it? After they had held them, in a kind of Society, and Amity, for divers years: upon the first occasion given, (which was no more, than the) Surprize, of the *Castle* of *Thebes*, by certain desperate Conspiratours, in the habit of Masquers; There ensued immediately, a generall Revolt, and Defection, of their Associats; which was the Ruine of their State, never afterwards to be recovered.

Of later time, let me lead your Consideration to behold, the like Events, in the *Kingdom* of *Arragon*; which *Kingdome* was united with *Castile*, and the rest of *Spain*, in the persons of *Ferdinando* and *Isabella*; and so continued many years, But yet so as it stood a *Kingdom*, severed and divided from the rest of the Body of *Spain*, in priviledges: and directly, in this point of *Naturalization*, or capacity of Inheritance. What came of this? Thus much; that now of fresh Memory, not past twelve years since, onely upon the voice of a condemned Man, out of the Grate of a Prison, towards the Street, that cried *Fueros*, (which is as much as Liberties or Priviledges) there was raised a dangerous Rebellion, which was suppressed with Difficulty, with an Army Royall, and their priviledges disannulled, and they incorporated, with the rest of *Spain*. Upon so small a Spark, notwithstanding so long continuance, were they ready to break and sever again.

The like may be said, of the *States* of *Florence* and *Pisa*: Which City of *Pisa*, being united unto *Florence*, but not endued with the Benefit of *Naturalization*, upon the first light of forrain assistance, by the Expedition of *Charles* the eighth of *France* into *Italy*, did revolt, though it be since again reunited, and incorporated.

The same effect, we see, in the most Barbarous Government, which shewes, it the rather, to be an effect of Nature. For it was thought, a fit Policy, by the *Councell* of *Constantinople*, to retain the three Provinces of *Transylvania*, *Valachia*, and *Moldavia*, (which were, as the very Nurses of *Constantinople*, in respect of their Provisions) to the end, they might be the less wasted, only under *Vayvods*, as Vassals and Homagers; and not under *Bassa's*, and Provinces of the *Turkish Empire*; Which Pollicy, we see by late experience, proved unfortunate, as appeared by the Revolt of the same three Provinces, under the Arms and Conduct of *Sigismund*, Prince of *Transilvania*, a Leader, very famous, for a time; which,

which Revolt is, not yet fully recovered. Whereas we seldome, or never hear, of Revolts of Princes, incorporate, to the *Turkish Empire.*

On the other part, (Mr. *Speaker*) because it is true, which the *Logicians* say; *Oppsita, juxta se posita, magis elucescunt*, let us take a view and we shal find; That wheresoever Kingdomes, and States, have been united; And that union Corroborate, by the Bond of mutuall *Naturalization*, you shall never observe them, afterwards, upon any occasion of trouble, or otherwise, to break and severe again: as we see, most evidently, before our eyes, in divers Provinces of *F[illegible]*. That is to say, *Guien, Province, Normandy, Brittain*, which, [illegible]withstanding, the infinite infesting Troubles, of that *Kingdom*, never offered to break again.

We see the like Effect, in all the Kingdoms, of *Spain*, which are mutually naturalized, as *Leon, Castile, Valencia, Andaluzia, Granada*, and the rest: Except *Aragon*, which held the contrary Course, and therefore had the contrary successe, as we said, and *Portugall*, of which there is not yet sufficient Triall.

And lastly, we see the like effect, in our own *Nation*, which never rent asunder, after it was once united, so as we now scarce know whether the *Heptarchy* were a *Story*, or *Fable*. And therefore (Mr. *Speaker*) when I revolve with my self, these Examples, and others, so lively expressing the necessity of a *Naturalization*, to avoid a relapse into a separation, and do heare so many Arguments, and Scruples, made on the other side; It makes me think on the old *Bishop*, which upon a publick Disputation of certain *Divines, Christians*, with some learned men of the *Heathen*, did extremely presse to be heard, and they were loath to suffer him, because they knew he was unlearned, though otherwise an Holy and well-meaning Man; But at last, with much ado, he got to be heard. And when he came to speak, instead of using Arguments, he did only say over his Belief: But did it with such assurance, and Constancy, as it did strike the minds, of those that heard him, more then any Argument had done. And so (Mr. *Speaker*,) against all these witty and subtile arguments, I say that I do believe, and I would be sorry to be found a Prophet in it; That except we proceed, with this *Naturalization* (Though not perhaps in his *Majesties* time, who hath such Interest in both Nations) yet in the time of his Descendants, these *Realms* will be in continuall Danger, to divide, and break again. Now if any Man, be of that careless mind.

—*Maneat nostr sea cura Nepotes*,

Or of that hard mind, to leave things to be tried, by the sharpest Sword sure I am, he is not of Saint *Pauls* Opinion, who affirmeth, that whosoever, useth not *Fore-sight*, and Provision for his *Family*, is worse than an *unbeliever*: Much more, if we shall not use fore-sight for these two *Kingdomes*, that comprehend so many *Families*: But leave things open, to the perill of future Divisions. And thus have I expressed unto you in the *Inconvenience*, which of all other, sinketh deepest with me, as the most weighty.

Neither do there want, other Inconveniences (Mr. *Speaker*) the Effect, and Influence whereof, I fear, will not be adjourned to so long a Day, as this, that I have spoken of. For I leave it to your wisdom, to consider whether you do not think in case by the deniall of this *Naturalization*,

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any Pike of Alienation, or unkindneſs (I do not ſay) ſhould be thought to be, or noiſed to be, betweene theſe two Nations; whether it will not quicken, and excite all the Envious and Malicious Humours, whereſoever (which are now covered) againſt us, either forraign, or at home; and ſo open the way to practiſes, and other Engines, and Machinations, to the Diſturbance, of this State. As for that other Inconvenience of his *Majeſties* Engagement, into this action, it is too binding, and preſſing, to be ſpoken of, and may do better a great deal, in your Minds, then in my Mouth; Or in the mouth of any man elſe, becauſe, as I ſay it doth preſs our Liberty too far. And therefore (Mr. *Speaker*) I come now to the third generall part of my Diviſion, concerning the *Benefits*, which we ſhall purchaſe, by this knitting of the knot, ſurer, and ſtreighter, between theſe two *Kingdomes*, by the Communicating of *naturalization*.

The *Benefits* may appear to be two; The one *Surety*, the other *Greatneſs*. Touching *Surety* (Mr. *Speaker*) it was well ſaid by *Titus Quintius*, the *Roman*, touching the ſtate of *Peloponneſus*; *That the* Tortois *is ſafe within her ſhell: Teſtudo intra Tegumen tuta eſt.* But if there be any Parts, that lye open, they endanger all the reſt. We know well, that although the State, at this time, be in a happy peace, Yet for the time paſt, the more *Ancient* Enemy, to this *Kingdome*, hath been the *French*; and the more *late*, the *Spaniard*: And both theſe, had, as it were, their ſeveral poſtern Gates; whereby, they might have approach, and entrance, to annoy us. *France* had *Scotland*, and *Spain*, had *Ireland*: For theſe were the two acceſſes which did comfort, and encourage both theſe Enemies to aſſail, and trouble us. We ſee, that of *Sotland*, is cut off, by the *Union*, of both theſe *Kingdoms*, if that it ſhall be now made conſtant, and permanent. That of *Ireland*, is likewiſe cut off by the convenient ſituation, of the *North* of *Scoland*, toward the *North* of *Ireland* where the Sore was, Which we ſee being ſuddainly cloſed, hath continued cloſed, by means of this Salve; ſo as now, there are no parts of this State, expoſed to Danger, to be a Temptation to the ambition of *Forrainers*, but their approaches and avenues are taken away. For I do little doubt, but thoſe *Forrainers*, which had ſo little ſucceſſe when they had theſe advantages, will have much leſs comfort now, that they be taken from them. And ſo much for *Surety*.

For *Greatneſs* (Mr. *Speaker*) I think a man may ſpeak it ſoberly, and without Bravery; That this *Kingdom* of *England*, having *Scotland* united, *Ireland* reduced, the Sea Provinces of the *Low-Countreys* contracted, and *Shipping* maintained; Is one of the greateſt Monarchies, in Forces truely eſteemed, that hath been in the *World*. For certainly, the *Kingdoms* here on *Earth* have a Reſemblance with the *Kingdome* of *Heaven*, which our *Saviour* compareth not to any great *Kernell*, or *Nut*, but to a very *ſmall Grain*, yet ſuch an one is as apt, to grow, and ſpread. And ſuch do I take to be the Conſtitution of this *Kingdom*; If indeed we ſhall refer our Counſels, to Greatneſs, and Power and not quench them too much with Conſideration of Utility, and Wealth. For (Mr. *Speaker*) was it not think you a true anſwer, that *Solon* of *Greece* made to the Rich *King Cræſus* of *Lydia*, when he ſhewed unto him, a great Quantity of Gold that he had gathered together, in Oſtentation of his Greatneſs and Might? But *Solon* ſaid to him, contrary to his Expectation; *Why Sir, if another come that hath better Iron than you, he will be Lord of all your Gold.*

A Speech in Parliament touching the Naturalization of the Scotish Nation.

Gold. Neither is the authority of *Machiavell* to be be despised who scorneth the *Proverb* of estate taken first from a Speech of *Mucianus*; *That Moneys are the Sinews of War:* and saith, *There are no true Sinews of War, but the very Sinews of the Arms of valiant Men.* Nay more, (Mr. *Speaker*) whosoever shall look, into the Seminaries and Beginings of the *Monarchies* of the *World*, he shall find them founded in Poverty. *Persia* a Country barren and poor in respect of the *Medes*, whom they subdued. *Macedone* a *Kingdome* ignoble and Mercenary, untill the Time of *Philip*, the Son of *Amyntas*. *Rome* had poor and pastoral beginnings. The *Turks*, a Band of *Sarmatian Scythes* that in a vagabond manner, made Impression upon that part of *Asia*, which is yet called *Turcomania*. Out of which after much variety of Fortune, sprung the *Ottoman Family* now the Terrour of the World. So we know the *Gothes*, *Huns*, *Vandals*, *Alans*; *Lombards*, *Normans*, and the rest of the *Northerne People* in one age of the World made their Descent or Expedition upon the *Roman Empire*; and came not as *Rovers*, to carry away prey, and be gon again; But planted themselves in a number of fruitfull and rich *Provinces*; Where not only their *Generations* but their *Names* remain, till this Day: witness *Lombardy*, *Catalonia* a name compounded of *Goth* and *Alane*, *Andaluzia* a name corrupted from *Vandelicia*, *Hungary*, *Normandy*, and others. Nay, the Fortune of the *Swizzes*, of late years (which are bred in a barren, and Mountanous Countrey) is not to be forgotten; Who first ruined the *Duke* of *Burgandy*; The same who had allmost ruined the *Kingdom* of *France*: what time after the *Battail* of *Granson*, the Rich Jewell of *Burgandy* prized at many Thousands, was sold for a few pence, by a common *Swizze*, that knew no more what a Jewell ment than did *Esops Cock*. And again the same *Nation* in revenge of a scorn, was the Ruine of the *French Kings* affaires in *Italy*, *Lewis* the 12. For that *King* when he was pressed somewhat rudely by an *Agent* of the *Swizzes*, to raise their pensions brake into Words of Choller; *What* (said he) *will these Villaines of the Mountains put a Tax upon me?* which words, lost him his *Dutchy* of *Millain* and chased him out of *Italy*. All which examples (Mr. *Speaker*) do well prove *Solons* opinion of the authority and Mastry that *Iron* hath over *Gold*. And therefore if I shall speak unto you mine own Heart; Me thinks we should a little disdain that the Nation of *Spain* (which, howsoever of late it hath grown to *Rule*, yet of ancient time *served* many *Ages*; First under *Carthage*, then under *Rome*, after under *Sarazens*, *Goths*, and others) should of late yeares take unto themselves that Spirit, as to dream of a *Monarchy* in the *West*, according to that Devise; *Video Solem Orientem in Occidente*: Onely, because they have ravished from some wilde and unarmed People, Mines, and Store of Gold, and on the other side, that this Island of Britanny, seated, and manned as it is, and that hath (I make no question) the best *Iron* in the *world*, (That is, the best *Souldiers* of the *world*,) should think of nothing but Reckonings, and *Audits*, and *Meum* and *Tuum* and I cannot tell what.

Mr. *Speaker*) I have (I take it) gone through the parts which I propounded to my Self; Wherein, if any Man, shall think that I have sung *Placebo*; For mine own particular, I would have him know that I am not so unseen in the world, but that I descern, it were much alike, for my private fortune, to rest a *Tacebo*, as to sing a *Placebo*, in this Business. But I have spoken out of the Fountain of my *Heart*: *Credidi, propter quod locutus sum I believed, therefore I spake.* So as my Duty is performed; the Judgment is yours, *God* direct it for the best.

A Speech in Parliament, touching the Union of Laws.

A Speech *made by* Sir FRANCIS BACON *in the Lower* House *of* Parliament, *by occasion of a Motion, concerning the* Vnion *of* Laws.

AND it please you, (Mr. *Speaker*) were it now a time to wish, As it is to advise, no Man should be more forward, or more earnest, than my self, in this wish; That his *Majesties Subjects* of *England* and *Scotland*, were governed by one Law; and that for many Reasons.

First, because it will be an infallible assurance, that there will never be any Relapse, in succeeding ages, to a separation.

Secondly, *Dulcis tractus pari jugo*: If the *Draught* lye most upon us and the *Yoke* lightest upon them, is not equall.

Thirdly, the *Qualities*, and (as I may term it) the *Elements* of their *Laws*, and ours, are such as do promise, an excellent Temperature in the compounded Body: For if the *Prerogative* here be too indefinite, it may be the *Liberty* there is too unbounded: If our *Laws* and proceedings be too Prolixe and Formall; it may be theirs are too informall, and Summary.

Fourthly, I do discerne, to my understanding, there will be no great *Difficulty* in this work. For their Laws, by that I can learn, compared with ours, are like their Language, compared with ours. For as their *Language* hath the same Roots that ours hath, but hath a little more mixture of *Latine* and *French*; So their *Laws* and *Customes* have the like Grounds that ours have, with a little more mixture of the *Civill Law*, and *French Customes*.

Lastly, the *Mean* to this work, seemeth to me no lesse excellent, than the *Work* it selfe: For if both *Laws* shall be united, it is of necessity, for preparation and Inducement thereunto, that our own *Laws* be reviewed, and recompiled, then which, I think, there cannot be a work that his Majesty can undertake in these his times of Peace, more Politique, more Honourable, nor more Beneficiall to his Subjects, for all Ages.

Pace data Terris, Animum ad Civilia Vertit
Jura suum, Legesque tulit justissimus Auctor.

For this continuall Heaping up of Laws, without digesting them, maketh but a *Chaos* and *Confusion*: And turneth the Laws, many times, to become but *Snares* for the people, as is said in the Scripture, *Pluet super eos Laqueos*. Now, *Non sunt pejores Laquei, quam Laquei Legum*. And therefore, this work I esteem to be indeed a work, (rightly to term it) *Heroicall*. So that for this good wish, of *Union* of *Laws*, I do consent to the full, and I think you may perceive by that which I have said, that I come not in this, to the opinion of others, but that I was long ago setled in it my self. Nevertheless, as this is moved out of Zeal, so, I take it, to be moved out of Time; as commonly zealous Motions are: while men are so fast carried on to the end, as they give no attention to the mean. For if it be *Time*, to talk of this now, It is either

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either because the business, now in hand cannot proceed without it, or because in time, and Order, this Matter should be precedent, or because, we shall loose some advantage towards this effect, so much desired, if we should go on in the course, we are about. But none of these three, in my judgement, are true, and therefore the Motion as I said, unseasonable.

For first, that there may not be a *Naturalization* without an *Union* in *Laws*, cannot be maintained. Look into the Example of the *Church*; And the Union thereof, You shall see severall *Churches* that joyn in one *Faith*, one *Baptism*, (which are the points of spiritual Naturalization,) do, many times, in Policy, Constitutions, and Customes, differ. And therefore, one of the *Fathers* made an excellent observation upon the two *Mysteries*: The one, that in the *Gospell*, where the *Garment* of *Christ*, is said to have been without *Seam*, the other, that in the *Psalm*, where the *Garment*, of of the Queen is said, to have been *of divers Colours*, And concludeth, *In veste Varietas sit, Scissura non sit.* So, in this Case, (Mr. *Speaker*) we are now in hand, to make this *Monarchy* of one *Piece*, and not of one *Colour*. Look again, into the Examples, of *Forrain Countries* and take, that next us, of *France*, And there you shall find, that they have this Distribution; *Pais du droit Escript*, and *Pais du droit Consumier*. For *Gascogne*, *Languedock*, *Province*, *Daulphenie*, are *Countries*, governed by the *Letter*, or *Text* of the *Civill Law*: But the *Isle* of *France* *Tourain*, *Berry*, *Anjou*, and the rest, and most of all *Brittain* and *Normandy*, Are governed by *Customes*, which amount unto a *Municipal Law*, and use the *Civill Law*, but onely for Grounds, and to decide new and rare Cases, and yet nevertheless *Naturalization* passeth through all.

Secondly, that this *Union* of *Laws*, should precede the Naturalization or that it should go on *pari passu*, hand in hand, I suppose, likewise, can hardly be maintained: But the contrary, that Naturalization ought to precede. Of which my opinion, as I could yield many reasons, so because all this, is but a Digression, and therefore ought to be short, I will hold my self now onely to one, which is briefly and plainly this: That the *Union* of *Laws*, will ask a great Time to be perfected, both for the *Compiling* and for the *Passing*: Dureing all which time, if this *Mark* of *Strangers*, should be denied to be taken away, I fear it may induce, such a Habit of *Strangeness* as will rather be an impediment, than a preparation to further proceeding. For he was a wise Man that said, *Opportuni Magnis Conatibus Transitus Rerum.* And in those cases, *Non progredi est Regredi.* An like, as in a pair of Tables you must put out the former writing, before you can put in new; and again, that which you write in, you write Letter by Letter, But that which you put out, you put out at once: So we have now to deal with the Tables of Mens hearts wherein it is in vain to think you can enter, the willing acceptance of of our *Laws* and *Customs*, except you first put forth all Notes either of *Hostility* or *Forrain Condition.* And these are to be put out, *simul et semel*, at once, without Gradations, whereas the other points are to be imprinted and engraven distinctly, and by degrees.

Thirdly, whereas it is conceived by some, that the Communication, of our Benefits, and priviledges, is a good hold, that we have over them to draw them to submit themselves to our Laws: It is an Argument of some probability, but yet to be answered many wayes. For first, the Intent is mistaken, which is not, as I conceive it, to draw them wholly

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ly, to a Subjection to our Laws, but to draw both Nations, to one *uniformity* of *Law*. Again to think, that there ſhould be a kind of Articulate, and indented Contract, that they ſhould receive our *Laws*, to obtain our priviledges: it is a matter in reaſon of eſtate not to be expected; Being that which ſcarely a private Man will acknowledge, if it come to that, whereof *Seneca* ſpeaketh; *Beneficium accipere, eſt Libertatem vendere*: No but courſes of eſtate do deſcribe and delineate another way; Which is to win them, either by benefit, or Cuſtome. For we ſee in all Creatures, that men do *Feed* them firſt, and *Reclaim* them after. And ſo in the firſt inſtitution of *Kingdomes*, *Kings* did firſt win *People*, by many *Beneſits*, and *Protections*, before they preſt any *Yoke*. And for *Cuſtome* which the *Poets* call, *Imponere Morem*: Who doubts, but that the Seat of the *Kingdome* and the Example of the *King*, reſting here with us, our *Manners* will quickly be there, to make all things ready for our *Laws*.

And laſtly, the *Naturalization*, which is now propounded, is qualified, with ſuch Reſtrictions, as there will be enough kept back to be uſed at all times for an *Adamant*, of drawing them further on to our Deſires. And therefore, to conclude, I hold this Motion, of *Union* of *Laws*, very worthy, and ariſing from very good Minds, but not proper for this Time.

To come therefore to that, which is now in Queſtion: It is no more but whither there ſhould be a Difference made, in this priviledge of *Naturalization*, between the *Anti-Nati*, and the *Poſt-Nati*; Not in point of *Law*, (for that will otherwiſe be decided,) but only in point of Convenience; [As if a Law, were now to be made, *de novo*.] In which *Queſtion* I will at this time onely anſwer two *Objections*; And uſe two *Arguments*, and ſo leave it to your Judgment.

The firſt *Objection* hath been; That if a Difference, ſhould be, it ought to be in favour of the *Ante-Nati*; Becauſe, they are Perſons of Merit, Service, and Proof; whereas the *Poſt-Nati* are Infants, that (as the Scripture ſaith,) *know not the Right hand from the left.*

This were good Reaſon (Mr. *Speaker*) if the Queſtion were of *Naturalizing* ſome particular perſons, by a private *Bill*: But it hath no proportion, with the generall Caſe. For now, we are not to look to reſpects, that are proper to ſome, but to thoſe, which are common to all. Now then, how can it be imagined, but that thoſe that took their firſt Breath, ſince this happy *Union* inherent in his *Majeſties* Perſon, muſt be more aſſured, and affectionate to this Kingdome, than thoſe generally can be preſumed to be, which were ſometimes Strangers? For, *Nemo ſubitò fingitur*: The Converſions of *Minds* are not ſo ſwift, as the Converſions of *Times*. Nay, in Effects of *Grace*, which exceed far the Effects of *Nature*, we ſee Saint *Paul*, makes a difference between thoſe he calls *Neophites*; That is newly grafted into *Chriſtianity*; And thoſe that are brought up in the Faith. And ſo we ſee by the *Lawes* of the *Church*, that the *Children* of *Chriſtians* ſhall be *Baptized*, in regard, of the Faith of their Parents; But the *Child* of an *Ethnick*, may not receive *Baptiſm*, till he be able, to make an underſtanding *Profeſſion* of his *Faith*.

Another *Objection* hath been made; That we ought to be more provident, and reſerved to reſtrain the *Poſt*-Nati, than the *Ante-Nati*: Becauſe, during his Majeſties time, being a *Prince* of ſo approved Wiſdom, and *Judgement*, we need no better Caution, than the Confidence we may repoſe

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repoſe in him: But in the Future *Reignes*, of ſucceeding Ages our Caution muſt be in *Re*, and not in *Perſona*.

But, (Mr. *Speaker*) to this I anſwer; That as we cannot expect a *Prince* hereafter, leſs like to erre, in reſpect of his Judgement, ſo again, we cannot expect a *Prince*, ſo like to exceed (if I may ſo term it) in this point of Beneficence to that Nation, in reſpect of the occaſion. For whereas all *Princes*, and all Men are won, either by Merit, or Converſation, there is no Appearance, that any of his *Majeſties Deſcendants*, can have either of theſe Cauſes of Bounty, towards that *Nation*, in ſo ample Degree, as his *Majeſty* hath. And theſe be, the two *Objections*, which ſeemed to me moſt materiall, why the *Poſt-Nati*, ſhould be left free, and not be concluded, in the ſame Reſtrictions, with the *Ante-Nati*, whereunto you have heard the Anſwers.

The two Reaſons which I will uſe, on the other ſide, are briefly theſe. The one, being a Reaſon of Common Senſe; The other a Reaſon of Eſtate. We ſee (Mr. *Speaker*) the Time of the Nativity, is in moſt Caſes, principally regarded. In Nature, the time of planting, and ſetting, is chiefly obſerved. And we ſee the *Aſtrologers*, pretend to judge of the Fortune of the Party, by the Time of the *Nativity*. In Lawes, we may not unfitly apply the Caſe of *Legitimation*, to the Caſe of *Naturalization*. For it is true, that the *Common Canon Law*, doth put the *Ante-Natus*, and the *Poſt-Natus* in one Degree; But when it was moved, to the *Parliament of England*; *Barones una voce reſponderunt*, *Nolumus Leges Angliæ mutare*. And though, it muſt be confeſſed that the *Ante-Nati*, *and Poſt-Nati*, are in the ſame Degree, in *Dignities*, yet were they never ſo, in *Abilities*: For no Man doubts, but the Son of an *Earl*, or *Baron*, before his *Creation* or *Call*, ſhall inherite the *Dignity*, as well as the Son born after.

But the Son of an *Attainted Perſon*, born before the Attainder, ſhall not inherit, as the After born ſhall: notwithſtanding *Charter* of *Pardon*.

The *Reaſon* of *Eſtate* is; That any Reſtriction of the *Ante-Nati*, is Temporary; And expireth with this Generation: But if you make it in the *Poſt-Nati* alſo, you do, but in ſubſtance, pen, a perpetuity of *Separation*.

(Mr. *Speaker*) in this point, I have been ſhort, becauſe I little expected this Doubt as to point of Convenience: And therefore will not much labour, where I ſuppoſe there is no greater Oppoſition.

A Report *made by* Sir FRANCIS BACON Knight, *in the* Houſe *of* Commons, *of a Speech delivered by the* Earl *of* Salisbury, *And another* Speech *delivered by the* Earl *of* Northampton, *at a Conference concerning the Petition of the Merchants, upon the* Spaniſh *grievances*, Parliament 5°. Jacobi.

AND it pleaſe you, (Mr. *Speaker*,) I do not find my ſelf, any wayes bound to report that which paſſed, at the laſt conference, touching the *Spaniſh Grievances*, having been neither employed to ſpeak, nor appointed to *Report* in that Cauſe. But becauſe it is put upon me, by a ſilent

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ſilent Expectation, grounded upon nothing, (that I know,) more than that I was obſerved, diligently to take notes; I am content, (if that Proviſion, which I made for mine own Remembrance, may ſerve this *Houſe* for a *Report*,) not to deny you that *Sheafe*, that I have, in haſt *bound up*. It is true, that one of his *Majeſties Principal Counſellours* in Cauſes of *Eſtate*, did uſe a *Speech*, that contained a World of Matter: But now, I ſhall be able to make a Globe of that World, therein I fear mine own ſtrength.

His Loraſhip took the occaſion of this, which I ſhall now report, upon the Anſwer which was by us made, to the Amendments, propounded, upon the *Bill* of *Hoſtile Laws*; Quitting that *Buſineſs*, with theſe few words; That he would diſcharge our Expectation of Reply, becauſe their *Lordſhips* had no Warrant to Diſpute. Then, continuing his *Speech*, he fell into this other Cauſe, and ſaid; That being now to make Anſwer to a propoſition of ours, as we had done to one of theirs, he wiſhed it could be paſſed over with like Brevity. But he did foreſee his way, that it would prove not only long, but likewiſe hard to find, and hard to keep: This Cauſe being ſo to be carried, as above all, no wrong be done to the *Kings* Soveraignty and Authority: And in the ſecond place, no Miſunderſtanding do enſue between the two *Houſes*. And therefore, that he hoped, his words ſhould receive a benign Interpretation; Knowing well that purſuit and Drift of Speech, and multitude of Matter, might breed words to paſs from him beyond the Compaſs of his Intention: And therefore he placed more Aſſurance and Caution, in the Innocency of his own meaning, and in the Experience of his Favours, then in any his Warineſs or Watchfulneſs over his own Speech.

This reſpective preface uſed, *his Lordſhip* deſcended to the Matter it ſelf; which he dirided into three Conſiderations: For, he ſaid, he would conſider of the *Petition*.

First, as it proceeded from the *Merchants*.

Secondly, as from them, it was offered to the *Lower Houſe*.

And thirdly, as from the *Lower Houſe*, it was recommended to the *Higher Houſe*.

In the Firſt of theſe Conſiderations there fell out naturally a Subdiviſion, into the *Perſons* of the Petitioners; and the Matter and *Parts* of the Petition. In the Perſons of the *Merchants*, his *Loraſhip* made (as I have collected them) in number, eight Obſervations; whereof the three firſt reſpected the General Condition of *Merchants*; And the five following were applied to the particular Circumſtances of the Merchants now complaining.

His *Lordſhips* firſt general Obſervation, was; That *Merchants* were of two ſorts: The one ſought their Fortunes (as the verſe ſaith) *per Saxa, per Ignes*: And, as it is ſaid in the ſame place, *Extremos currit Mercator ad Indos*; Subjecting themſelves to Weather and Tempeſt; To Abſence, and, as it were, Exile, out of their Native Countries; To Arreſts, in Entrances of War; To Forrain Injuſtice, and Rigour, in times of Peace; And many other Sufferances and Adventures. But that there were others, that took a more ſafe, but a leſs generous Courſe in raiſing their Fortunes. He taxed none, but did attribute much more reſpect to the former.

The ſecond General *Obſervation* which his *Loraſhip* made was, That the Complaints of *Merchants*, were uſually ſubject to much Errour; In regard, that they ſpake (for the moſt part) but upon Information; And that carried through many Hands; And of Matters done in Remote parts: So as, a falſe, or factious Factor, might oftentimes make great Tragedies, upon no great Ground. Whereof, towards the End of his Speech, he brought an Inſtance,

of

of one trading the *Levant*; That complained of an Arreſt of his Ship, And poſſeſſed the *Counſell-Table*, with the ſame complaint, in a vehement, and bitter faſhion; Deſiring and preſſing ſome preſent and Expoſtulatory Letters, touching the ſame. Whereupon, ſome *Counſellours*, well acquainted with the like Heats, and forwardneſs, in Complaints, happened to ſay to him, Out of Conjecture, and not out of any Intelligence *What will you ſay if your Ship, which you complain to be under Arreſt, be now under Sail, in way homewards?* Which fell out accordingly: The ſame Perſon confeſſing, ſix dayes after, to the Lords, that ſhe was indeed in her way homewards.

A Report in the Houſe of Commons, of the Earle of Salisburies, and the Earl of Northampton's ſpeeches.

The third generall *Obſervation*, which his *Lordſhip* made, was this, in Effect: That although he granted, that the Wealth, and Welfare of the *Merchant*, was not without a Sympathy, with the generall Stock, and State of a *Nation*, eſpecially an *Iſland*, yet neverthleſs, it was a thing, too familiar, with the *Merchant*, to make the Caſe of his particular profit, the publick Caſe of the *Kingdom*.

There follow, the particular *Obſervations*, which have a reference, and application, to the *Merchants*, that trade to *Spain*, and the *Levant*. Wherein his *Lordſhip*, did firſt, honourably, and tendrly, acknowledge, that their *Grievances* were great. That they did multiply; And that they do deſerve, compaſſion, and help; But yet nevertheleſs, that he muſt uſe that loving plainneſs to them, as to tell them that in many things, they were Authors of their own miſeries. For ſince the diſſolving of the *Company*, which was termed the *Monopoly*; And was ſet free, by the ſpecial Inſtance of this *Houſe*, there hath followed, ſuch a Confuſion, and Relaxation, in Order, and Government amongſt them; As they do not only incur many Inconveniences, and commit many Errours; But in the purſuites of their own Remedies, and ſuites, they do it ſo impolitiquely, and after ſuch a Faſhion, as except, *Legier Embaſſadours* (which are the eyes of Kings in forrain parts,) ſhould leave their Centinell, and become *Merchants Factours*, and Sollicitours, their Cauſes can hardly proſper. And which is more, ſuch is now the Confuſion in the Trade, as Shop-keepers and Handy-Craft-Men, become *Merchants* there; Who being bound, to no Orders, ſeek baſe means by Gifts and Bribery, to procure favours at the hands of Officers there. So as the honeſt *Merchant* that trades like a ſubſtantiall *Merchant*, and loves not to take ſervile Courſes, to buy the Right due to him, by the Amity of the Princes, can have no Juſtice without treading in their ſteps.

Secondly, his *Lordſhip* did obſerve ſome Improbability, that the wrongs ſhould be ſo great, conſidering Trading, into thoſe parts was never greater; *nisi eas* if the wrongs, and griefs, were ſo intollerable, and continuall, as they propound them; It would work, rather a generall Diſcouragement, and Coldneſs of Trade, in *Fact*, than an earneſt, and hot Complaint, in *Words*.

Thirdly, his *Lordſhip* did obſerve, that it is a courſe, (howſoever, it may be with a good intent) yet of no ſmall preſumption, for *Merchants* upon their particular *Grievances*, to urge things tending to a direct *War*, conſidering that nothing is more uſual in Treaties, then that ſuch particular Dammages, and Moleſtations of Subjects, are left to a Form of Juſtice, to be righted: And that the more high Articles, do retain, nevertheleſs their vigour inviolably; And that the great Bargain of the *Kingdome*, for *War*, and *Peace*, may, in no wiſe, depend, upon ſuch petty Forfeitures: No more, than in common Aſſurance, between Man and Man, it were fit that

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upon every breach of Covenants, there should be limitted a Re-entry.

Fourthly, his *Lordship* did observe, in the manner of preferring their Petition, they had inverted due order, addressing themselves to the *Foot*, and not to the *Head*. For considering that they prayed no new Law, for their Relief, and that it concerned, Matter of Inducement, to *War*, or *Peace*, They ought to have begun with his *Majesty*, unto whose Royal Judgement, Power, and Office, did properly belong the discerning of that, which was desired, the putting in Act of that which might be granted; And the Thanks for that which might be obtained.

Fifthly, his *Lordship* did observe; That, as they had not preferred their *Petition* as it should be; So they had not pursued their own Direction, as it was. For, having directed their *Petition* to the *King*, the Lords spiritual and Temporal, and the Commons in Parliament assembled; It imported, as if they had offered the like Petition to the Lords; which they never did, Contrary, not only to their own Direction, but likewise to our Conceipt, who presupposed, (as it should seem, by some speech, that passed from us, at a former Conference;) That they had offered, several *Petitions*, of like tenour, to both *Houses*. So have you now, those eight *Observations*, part General part Special, which his Lordship made touching the *Persons* of those, which exhibited the *Petition*, and the *Circumstances* of the same.

For the *Matter* of the *Petition* it self, his Lordship made this *Division*; That it consisteth of three parts.

First, of the Complaints of wrongs in Fact.

Secondly, of the Complaints of wrongs in Law, as they may be truely termed, that is, of the Inequality of Lawes, which do regulate the Trade.

And thirdly, the remedy desired by letters of *Mart*.

The *wrongs*, in *Fact*, receive a local Distribution of three. In the Trade to *Spain*; In the Trade to the *West Indies*; And in the Trade to the *Levant*.

Concerning the Trade to *Spain*: Although his *Lordship* did use, much signification, of compassion, of the Injuries, which the *Merchants* received; and attributed so much, to their Profession, and Estate, as from such a mouth in such a Presence, they ought to receive, for a great deal of Honour, and Comfort (which Kind of Demonstration, he did enterlace, throughout his whole Speech, as proceeding, *Ex Abundantia Cordis*) yet nevertheless, he did remember four *Excusations*, or rather *Extenuations* of those *wrongs*,

The first was, that the *Injustices*, complained of, were not in the Highest Degree, because they were Delayes, and hard proceedings, and not Inique Sentences, or definitive Condemnations. Wherein I called to mind, what I heard a great *Bishop* say, that *Courts* of *Justice*, though they did not turn *Justice* into *Wormwood*, by *Corruption*; yet they turned it into Vinegar, by delaies, which sowered it. Such a Difference did his Lordship make which, no question, is a Difference, *secundum Magis & Minus*.

Secondly his *Lordship* ascribed these *Delayes*, not so much to Mallice, or Alienation of mind towards us, as to the Nature of the People, and Nation, which is Proud, and therefore Dilatory: For all proud Men are full of *Delayes*, and must be waited on, and specially, to the Multitudes, and Diversities of Tribunals, and places of Justice, and the Number of the Kings Councills full of *Referrings*, which ever prove of necessity, to be deferrings; Besides, the great distance of Territories. All which have made the Delayes of *Spain* to come into a Byword, through the World. Wherein I think his Lordship might allude to the *Proverb* of *Italy*, *Me venga la Morte di Spagna. Let my Death come from Spain:* For then, it is sure, to be long a coming.

Thirdly

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Thirdly, his *Lordſhip* did uſe an Extenuation of theſe wrongs, drawn from the Nature of Man (*Nemo ſubito fingitur*) For that we muſt make an account; That though the Fire of Enmity be out between *Spain*, and us, yet it vapoureth: The utter extincting whereof, muſt be the work of Time.

But laſtly, his *Lordſhip* did fall upon that Extenuation, which of all the reſt, was forcible; which was, that many of theſe *wrongs* were not ſuſtained without ſome Aſperſion of the *Merchants* own Fault, in miniſtring the Occaſion, which grew chiefly in this manner.

There is contained, an *Article*, in the *Treaty* between *Spain* and *us*; That we ſhall not tranſport any Native Commodities, of the *Low-Countreys*, into *Spain*: Nay more, that we ſhall not tranſport any *Opificia*; *Manufactures* of the ſame *Countreys*. So that if an Engliſh Cloath take but a Dye in the *Low-Countreys*, it may not be tranſported by the *Engliſh*: And the reaſon is, becauſe even thoſe *Manufactures*, although the Materiall come from other places, do yield unto them a Profit and Suſtentation in regard their People are ſet on work by them, they have a gain likewiſe in the Price; And they have a Cuſtome in the Tranſporting. All which the Pollicy of *Spain* is to debar them of; Being no leſs deſirous, to Suffocate the *Trade* of the *Low-Countreys*, then to reduce their *Obedience*. This *Article*, the *Engliſh Merchant*, either doth not, or will not underſtand: But being drawn with his threefold Cord of Love, Hate, and Gain, They do adventure to tranſport the *Low-Countrey* Commodities, of theſe natures; And ſo draw upon themſelves theſe Arreſts, and Troubles.

For the *Trade* to the *Indies*; His Lordſhip did diſcover unto us, the ſtate of it to be thus. The Pollicy of *Spain* doth keep that Treaſury of theirs, under ſuch Lock and Key, as both Confederates, yea, and Subjects are excluded of Trade into thoſe Countreys: Inſomuch as the *French King*, who hath reaſon to ſtand upon equall termes with *Spain*, yet nevertheleſs, is by expreſs Capitulation debarred. The *Subjects* of *Portugall*, whom the *State* of *Spain*, hath ſtudied by all means to content, are likewiſe debarred: Such a *vigilant Dragon* is there, that keepeth this *Golden Fleece*: yet nevertheleſs, ſuch was his *Majeſties* Magnanimity in the Debate, and Concluſion of the laſt Treaty; As he would never condeſcend to any Article, importing the Excluſion, of his *Subjects*, from that *Trade*: As a *Prince* that would not aknowledge that any ſuch Right could grow to the *Crown* of *Spain*, by the *Donative* of the *Pope*; whoſe Authority he Diſclaimeth: Or by the Title of a diſperſed and punctuall Occupation of certain Territories, in the name of the reſt: But ſtood firm to reſerve that point in full Queſtion to further times, and occaſions. So as it is left by the Treaty in ſuſpence, neither debarred, nor permitted. The tenderneſs, and point of Honour whereof was ſuch, as they, that went thither, muſt run at their own Perill. Nay further, his *Lordſhip affirmed*; That if yet, at this time his Majeſty would deſcend to a courſe of entreaty, for the releaſe of the *Arreſts* in thoſe parts, and ſo confeſs an Excluſion; And quitt the point of Honour, his *Majeſty* might have them forthwith releaſed: And yet his *Loraſhip* added, that the Offences, and Scandalls of ſome, had made this point worſe than it was, in regard, that this very laſt *Voyage* to *Virginia*, intended for *Trade* and *Plantation*; Where the Spaniard hath no People nor Poſſeſſion, is already become inflamed for *Piracy*. Witneſs *Bingley*, who firſt inſinuating his purpoſe to be an Actour, in that worthy Action of Enlarging *Trade* and *Plantation*, is become a *Pyrate*; And hath been ſo purſued as his Ship is taken in *Ireland*, though his perſon is not yet in hold.

For the *Trade* to the *Levant* his *Loraſhip* opened unto us that the Complaint

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conſiſted, in effect, but of two Particulars: The one touching the Arreſt of a *Ship*, called the *Trial*, in *Sicely*; The other, of a *Ship* called the *Vineyard*, in *Sardinia*. The Firſt of which *Arreſts*, was upon pretence of *Pyracy*: The Second, upon pretence of carrying *Ordnance* and *Powder* to the *Turk*: That *Proceſs*, concerning the *Trial*, hath been at the *Merchants* inſtance drawn to a Review in *Spain*, which is a Favour of exceeding rare Preſident; being directly againſt the Liberties and Priviledges of *Sicely*. That of the *Vineyard*, notwithſtanding it be of that nature, as (if it ſhould be true) tendeth to the great Diſhonour of our Nation; (whereof Hold hath been already taken by the *French Ambaſſadour*, reſiding at *Conſtantinople*; Who entred into a Scandalous Expoſtulation with his *Majeſties Ambaſſadour* there, upon that and the like Tranſportations of Munition to the *Turk*: yet nevertheleſs, there is an Anſwer given, by Letters from the *Kings Ambaſſadour Legier* in *Spain*; That there ſhall be ſome Courſe taken, to give reaſonable Contentment in that Cauſe, as far as may be: In both which *Ships* (to ſpeak truly) the greateſt Maſs of loſs may be included: For the reſt are mean, in reſpect of the value of thoſe two Veſſels. And thus much his *Lordſhip Speech* comprehended concerning the *wrongs* in *Fact*.

Concerning the *Wrongs* in *Law*; That is to ſay, the *Rigour* of the *Spaniſh Laws*, extended upon his *Majeſties Subjects* that traffique thither, his *Lordſhip* gave this Anſwer. That they were no new *Statutes*, or *Edicts*, deviſed for our *People*, or our *Times*; But were the ancient Lawes of that *Kingdome*: *Suus cuique mos*. And therefore, as Travellours muſt endure the Extremities of the Climate, and Temper of the Air, where they travell: So *Merchants*, muſt bear with the Extremities of the *Lawes*, and Temper of the *Eſtate*, where they trade. Whereunto his *Lordſhip* added; that our own *Lawes*, here in *England*, were not exempted from the like Complaints in Forrain Parts; Eſpecially in point of Marine Cauſes, and Depredations; And that ſame ſwift Alteration of Property, which is claimed by the *Admiralty*, in caſe of Goods taken in *Pyrates* hands. But that, we were to underſtand thus much of the *King* of *Spains* Care, and Regard, of our *Nation*; That he had written his Letters, to all *Corrigidors*, *Officers* of *Ports*, and other his *Miniſters*; Declaring his will and pleaſure, to have his *Majeſties Subjects*, uſed with all Freedome, and Favour: And with this Addition, that they ſhould have more Favour when it might be ſhewed, than any other. Which words, howſoever the Effects prove, are not ſuddainly to be requited with peremptory Reſolutions, till Time declare, the direct Iſſue.

For the third part of the *Matter*, of the Petition, which was the *Remedy*, ſought by *Letters* of *Mart*; His *Lordſhip* ſeemed deſirous to make us capable, of the Inconvenience, of that which was deſired, by ſetting, before us two notable *Exceptions* thereunto: The one, that the *Remedy*, was utterly incompetent, and vain: The other that it was dangerous, and pernicious, to our *Merchants*; And, in conſequence, to the whole *State*.

For the *weakneſs* of the *Remedy*; His Lordſhip wiſhed us to enter into Conſideration, what the *Remedy* was, which the *Statute* of *Henry* the fifth, (which, was now ſought, to be put in Execution) gave in this Caſe, which was thus: That the Party grieved, ſhould firſt complain to the Keeper of the private Seal; And from him, ſhould take Letters unto the Party, that had committed the Spoyl for Reſtitution. And in default of Reſtitution, to be made upon ſuch *Letters* ſerved; Then to obtain of the

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Chancellor, *Letters* of *Mart*, or *Repriſall*: which Circuit of *Remedy*, promiſed nothing but endleſſe, and fruitleſs Delay; In regard that the firſt Degree preſcribed, was never likely to be effected: It being ſo wilde a Chace, as to ſerve Proceſſe upon the wrong-Doer, in Forrain Parts. Wherefore his *Lordſhip* ſaid, that it muſt be, the *Remedy* of *Statute*, that muſt do good, in this caſe: which uſeth to proceed by Certificats, Atteſtations, and other means of Information; Not depending upon a privy Seal to be ſerved upon the Party, whom happily they muſt ſeek out, in the *Weſt-Indies*.

For the *Danger* of the *Remedy*; His *Lordſhip* directed our Conſiderations, to take notice of the proportions, of the *Merchants* Goods, in either *Kingdome*: As that the Stock of Goods, of the *Spaniard*, which is within his *Majeſties* Power and Diſtreſſe, is a Trifle: Whereas the Stock of *Engliſh* Goods in *Spain*, is a Maſſe, of mighty value. So as if this Courſe of *Letters* of *Mart*, ſhould be taken to ſatisfie a few hot Purſuitours here; All the Goods of the *Engliſh* Subjects in *Spain*, ſhall be expoſed to Seiſure, and Arreſt; And we have little, or nothing in our Hands, on this ſide to mend our ſelves upon. And thus much (Mr. *Speaker*) is that, which I have collected, out of that excellent *Speech*: concerning the Firſt main part which was; The Conſideration of the *Petition*, as it proceeded from the *Merchant*.

There followeth now the *Second Part*; Conſidering the *Petition*, as it was offered in this *Houſe*. Wherein his *Lordſhip*, after an affectionate Commemoration, of the Gravity, Capacity, and Duty, which he generally found in the proceedings of this *Houſe*; deſired us nevertheleſſe, to conſider with him, how it was poſſible, that the entertaining of *Petitions*, concerning private *Injuries*, and of this *Nature* could avoid theſe three *Inconveniences*. The Firſt, of *Injuſtice*; The Second, of Derogation, from his *Majeſties* ſupreme, and abſolute Power, of concluding *Warr*, or Peace, And the Third, of ſome prejudice, in reaſon of *Eſtate*.

For *Injuſtice*, it is plain, and cannot be denied, that we hear but the one Part: Whereas that *Rule*, *Audi alterum Partem*, is not of the Formality, but of the Eſſence, of *Juſtice*: Which is therefore figured, with *both Eyes ſhut*, and *both Eares open*. Becauſe, ſhe ſhould hear both ſides, reſpect Neither: So that if we ſhould hap to give a right Judgement, it might be *Jus*, but not *Juſtè*, without hearing both *Parties*.

For the Point of *Derogation*; his *Lordſhip* ſaid; He knew well, we were no leſſe ready, to acknowledge, then Himſelf; That the *Crown* of *England* was ever inveſted (amongſt other *Prerogatives*, not diſputable) of an abſolute Determination, and Power, of concluding, and making *Warr*, and *Peace*. Which, that it was no new Dotation, but of an ancient Foundation in the *Crown*, he would recite unto us a number of Preſidents in the *Raignes* of ſeverall *Kings*; And chiefly of thoſe *Kings*, which come neareſt his *Majeſties* own worthineſs: Wherein he ſaid, that he would not put his Credit, upon Ciphars, and Dates; Becauſe it was eaſie to miſtake the year of a *Raign*, or number of a *Rowle*, but he would avouch them in ſubſtance, to be perfect and true, as they are taken out of the *Records*. By which Preſidents it will appear; that *Petitions* made in *Parliament* to *Kings* of this *Realm*, his *Majeſties Progenitours*; Intermedling with matter of Warr or Peace, or inducement thereunto; Received ſmall Allowance, or Succeſſe; But were allwaies put off, with Dilatory Anſwers: Sometimes, referring the matter, to their *Councell*; Sometimes to their

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their *Letters*, sometimes to their further *Pleasure* and *Advice*, and such other *Formes*; Expressing plainly, that the *Kings* meant to reserve matter of that Nature, entirely to their own Power, and pleasure.

In the 18th. year of *King Edward the First*; Complaint was made, by the Commons, against the *Subjects*, of the *Earl* of *Flanders*, with *Petition*, of Redress: The *Kings* Answer was; *Rex nihil aliud potest, quam eodem modo petere:* That is, *The King could do no more, but make Request to the Earl of Flanders*, as Request had been made to him: And yet no Body will imagine, but *King Edward* the *First* was potent enough, to have had his Reason of a *Count* of *Flaunders*, by a Warr: And yet, his Answer was; *Nihil aliud potest*; As giving them to understand, that the Entring into a *Warr*, was a matter Transcendant, that must not depend, upon such Controversies.

In the 4th. year of *King Edward* the *Third*; The *Commons* petitioned, that the *King* would enter into certain Covenants, and Capitulations, with the *Duke* of *Brabant:* In which *Petition*, there was also inserted, somewhat touching a *Money matter*. The *Kings* answer was, that for that, that concerned the *Moneys*, they might handle it, and examine it, but touching the *Peace* he would do, as to himself seemed good.

In the 18th. year, of *King Edward* the *Third*, the *Commons* petitioned, that they might have, the Triall, and proceeding, with certain *Merchants Strangers*, as *Enemies* to the *State*. The *Kings* answer was, *It should remain as it did, till the King had taken further order.*

In the 45th. yeare of *King Edward* the *Third* The *Commons* complained that their Trade with the *Easterlings*, was not upon equall Tearms (which is one of the points insisted upon in the present *Petition*) and prayed an alteration, and reducement. The *Kings* answer was, *It shall be so as occasion shall require.*

In the 50th. year, of the same *King*, The *Commons* petitioned to the *King* for Remedy against the *Subjects* of *Spain*, as they now do. The *Kings* answer was, *that he would write his Letter for Remedy.* Here is *Letters* of *Request*, no *Letters* of *Mart: Nihil potest nisi eodem modo petere.*

In the same year, the *Merchants of Yorke*, Petitioned in *Parliament*, against the *Hollanders*, and desired their *Ships* might be stayed, both in *England*, and at *Calais*. The *Kings* answer was: *Let it be declared to the Kings Councell, and they shall have such Remedy, as is according to Reason.*

In the 2d. year of *King Richard the second*, the Merchants of the Sea-coast, did complain of divers spoiles upon their Shipps, and Goods, by the *Spaniard*. The *Kings* answer was that with the advise of his Councell he would procure remedy.

His *Lordship* cited two other Presidents, the one in the second year, of *King Henry* the fourth, of a Petition against the *Merchants* of *Genova:* the other, in the 11th. year of *King Henry* the 6th. of a *Petition*, against the *Merchants* of the *Stilliard*, which I omit because they contain no variety of answer.

His Lordship further cited two *Presidents*, concerning other points of *Prerogative*, which are likewise *Flowers* of the *Crowne*, the one touching the *Kings Supremacy Ecclesiastical*, the other touching the Order of *Waightes* and *Measures*. The former of them, was in the time of *King Richard* the 2d. At what time, the *Commons* complained against certain Encroachments and Usurpations of the *Pope*, and the *Kings* answer was, *The King hath*

given

given Order to his Counsell to treat with the Bishops, thereof. The other was in the 18th. year of *King Edward* the *First*, at which time Complaint was made against uneven Weights, and the *Kings* answer was, *Vocentur partes ad placita Regis, & fit Justitia*: Whereby it appeared, that the *Kings* of this *Realm*, still used to refer Causes petitioned in *Parliament*, to the proper places of Cognizance and Decision. But for the matter of War, and Peace, as appears in all the former Presidents, the *Kings* ever kept it, *in Scrinio pectoris*, in the Shrines of their own Breast, assisted and and advised by their *Counsell* of *Estate*.

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His *Lordship* did conclude, his Enumeration of *Presidents*, with a notable *President* in the 17th. year of *King Richard* the Second. A Prince of no such glory, nor strength: And yet when he made offer, to the *Commons* in *Parliament*, that they should take into their considerations, matter of War and Peace, then in hand, The Commons in Modesty excused themselves, and answered: *The Commons will not presume to treat of so high a charge.* Out of all which *Presidents*, his *Lordship* made this Inference, that as *Dies Diem Docet*, so by these *Examples*, Wise Men will be admonished to forbear these *Petitions* to *Princes* which are not likely to have either Welcome hearing or an effectuall *Answer*.

And for Prejudice, that might come, of handling, and debating, Matter of War and Peace in *Parliament*; He doubted not, but that the Wisedom of this House, did conceive, upon what secret Consideration, and Motives that point did depend. For that, there is no *King*, which will providently, and Maturely, enter into a *War*; But will first ballance his own Forces; Seek to anticipate, Confederacies and Alliances, Revoke his *Merchants*; Finde an opportunity of the first Breach; And many other points: which if they once do but take wind, will prove vain, and frustrate. And therefore that this Matter, which is *Arcanum Imperij*, one of the highest Mysteries of Estate, must be suffered to be kept within the Vaile. His *Lordship* adding, that he knew not well whether in that, which he had already said, out of an extreme Desire to give us satisfaction, he had not communicated more particulars then perhaps was requisite. Nevertheless, he confessed that sometimes, *Parliaments* have been made acquainted with Matter of War and Peace in a generality; But it was upon one of these two Motives: When the *King* and *Counsell* conceived; That either it was Material, to have some Declaration of the zeal and Affection of the *People*: Or else when the *King* needed to demand *Moneys* and *Aides*, for the Charge of the *Wars*: Wherein, if Things did sort to *War*, we were sure enough, to hear of it. His *Lordship* hoping, that his *Majesty*, would find in us no lesse readiness to support it, than to perswade it.

Now, (Mr. *Speaker*,) for the last part; Wherein his *Lordship*, considered the *Petition*, as it was recommended from us; to the upper House, His *Lordship* delivered thus much from their *Lordships*; That they would make a good Construction of our Desires, as those, which they conceived, did rather spring, out of a Feeling, of the *Kings Strength*, And out of a feeling of the *Subjects wrongs*, Nay more, out of a Wisdom, and Depth, to declare our forwardness if need were to assist his *Majesties* future Resolutions, (which Declaration, might be of good use for his *Majesties* Service, when it should be blown abroad) Rather I say then that we did in any sort determine by this their Overture, to do that wrong to his *Highness* Supreme power, which happily, might be inferred by those, that were rather apt to make evill, then good Illations of our proceeding. And

yet

A Report, in the House of Commons, of the Earle of Salisburies and the Earl of Northamptons Speeches.

yet, that their *Lordships* for the reasons before made, must plainly tell us; That they neither could nor would concur with us, nor approve the course. And therefore concluded; That it would not be amiss for us, for our better Contentment, to behold the Conditions, of the last *Peace* with *Spain*, which were of a strange nature to him that duely observes them; No *Forces* recalled out of the *Low-Countries*, No new *Forces* (as *Voluntaries*) restrained to go thither: So as the *King* may be in peace, and never a *Subject* in *England*, but may be in *War*: And then, to think thus with our selves; That that *King*, which would give no ground, in making his *Peace* will not loose any Ground, upon just provocation to enter into an *Honourable War*. And that in the mean time, we should know thus much, that there could be more forcible Negotiation, on the Kings part, but Blowes, to procure *Remedy* of those *wrongs*, nor more fair promise, on the *King* of *Spains* part, to give contentment, concerning the same: And therefore, that the Event, must be expected.

And thus (Mr. *Speaker*) have I passed over the *Speech*, of this worthy *Lord*, whose *Speeches* (as I have often said) in regard of his place, and Judgement, are extraordinary Lights, to this *House*; And have both the properties of *Light*, that is *Conducting*, and *Comforting*. And although (Mr. *Speaker*) a Man would have thought nothing had been left, to be said; Yet I shall now, give you account, of another *Speech*, full of excellent Matter, and Ornaments; And without Iteration. Which, nevertheless, I shall report more compendiously; Because I will not offer the *Speech* that wrong, as to report it at large, when your minds perease, and Attentions, are already wearied.

The other *Earl*, who usually, doth bear a principal part, upon all important occasions, used a *Speech*, first of *Preface*, then of *Argument*. In his *Preface*, he did deliver, that he was perswaded, that both *Houses* did differ rather in *Credulity*, and Belief, than in Intention, and Desire. For it might be their *Lordships* did not believe the Information so far, but yet desired, the Reformation as much.

His *Lordship* said further, that the *Merchant* was a State, and Degree of persons; Not only to be respected, but to be prayed for, and graced them with the best Additions: That they were the Convoyes, of our supplies; The Vents of our Abundance; *Neptunes* Almesmen, and Fortunes Adventurers. His *Lordship* proceeded, and said; This *Question*, was new to us, but antient to them: Assuring us that the *King*, did not beare in vain, the Devise of the *Thistle*, with the word; *Nemo me lacesset impunè*; And that, as the Multiplying of his *Kingdomes*, maketh him feel his own Power; So the Multiplying of our Loves, and affections, made him to feel our Griefs.

For the *Arguments* or *Reasons*, they were Five in number, which his *Lordship* used, for satisfying us, why their Lordships might not concur with us in this *Petition*. The first was, the Composition of our *House*; which he tooke in the first foundation thereof, to bee meerly *Democraticall*; Consisting, of *Knights* of *Shires*, and *Burgesses* of *Townes*, and intended to be of those, that have their Residence, Vocation, and Employment, in the places for which they serve: And therefore to have a private and local wisdome, according to that Compasse, and so not fit to examine, or determine, *Secrets of Estate*, which depend, upon such Variety of Circumstances; and therefore, added to the President, formerly vouched, of the 17th. of *King Richard* the 2d. When the *Commons* disclaimed to intermeddle

intermediate, in matter of *War* and *Peace*; That their answer was, that they would not presume to treat of so high, and variable a Matter. And although, his *Lordship* acknowledge that there be divers Gentlemen in the Mixture of our *House*; That are of good Capacity and Insight, in Matters of Estate, yet that was the Accident of the *Person*, and not the Intention of the Place; and things were to be taken in the *Institution*, not in the *Practice*.

A Speech to the King concerning the Grievances of the House.

His *Lordships* second *Reason* was; That both by *Philosophy*, *and Civil Law*, *Ordinatio Belli & Pacis est absoluti imperij*; A principal *Flower* of the *Crown*. Which *Flowers* ought to be so dear unto us, as we ought, if need were, to water them with our *Blood*. For if those *Flowers* should by neglect or upon facility, and good affection, whither and fall, the Garland would not be worth the wearing.

His *Lordships* third *Reason was*, that *Kings* did so love to imitate *Primum Mobile*, as that they do not like to move in borrowed Motions: So that, in those things, that they do most willingly intend, yet they indure not to be prevented by Request. Whereof he did alledge a notable Example in *King Edward* the 3d. who would not hearken to the *Petition* of his *Commons*, that besought him, to make the *Black Prince Prince* of *Wales*. But yet after that Repulse of their *Petition*, out of his own meer Motion, he created him.

His *Lordships* fourth *Reason* was; That it might be some scandal to step between the *King*, and his own *Vertues*: And that it was the Duty of *Subjects* rather to take honours from Kings Servants, and give them to Kings; then to take honours from Kings and give them to their Servants: Which he did very elegantly set forth in the Example of *Joab*, who lying at the *Siege* of *Rabbah*, and finding it could not hold out, writ to *David* to come and take the Honour, of taking the Town.

His *Lordships* last *Reason* was, that it cast some aspersion upon his *Majesty*; Implying, as if the *King* slept out the *Sobs* of his *Subjects* until he was awaked with the *Thunderbolt* of a *Parliament*.

But his *Lordships Conclusion* was very Noble, which was with a Protestation; That what Civil Threats, Contestation, Art, and Argument, can do, hath been used, already, to procure, *Remedy* in this Cause: And a Promise, That if *Reason* of *State*, did permit; as their *Lordships* were ready to spend their Breath, in the pleading of that we desire, so they would be ready to spend their Bloods in the Execution thereof.

This was the *Resolution* of that which passed.

A Speech *used to the* King, *by his* Majesties Solliciter *being chosen, by the* Commons, *as their Mouth and Messenger, for the presenting to his Majesty, the* Instrument, or writing *of their* Grievances; *In the* Parliament 7°. Jacobi.

MOst gracious *Soveraign*; The *Knights*, *Citizens*, and *Burgesses*, assembled in *Parliament*, in the *House* of your *Commons*, in all humbleness do exhibite and present, unto your *Sacred Majesty*, in their own words, though by my hand their *Petitions* and *Grievances*. They are here conceived, and set down in writing; According to Ancient Custome of *Parliament*. They are also prefaced, according to the Manner and Tast, of these later Times.

A Speech about Wards, and Liveries.

Therefore, for me to make any Additional *Preface*, were neither warranted, nor convenient: especially speaking before a *King*; The exactness of whose Judgement, ought to scatter, and chase away all unnecessary Speech, as the *Sun* doth a *Vapour*. This only I must say: Since this *Session* of *Parliament*, we have seen your Glory in the Solemnity of the *Creation* of this most Noble *Prince*: We have heard your Wisdome, in sundry excellent *Speeches*, which you have delivered amongst us. Now we hope to find and feel, the Effects of your Goodness, in your Gracious Answer, to these our *Petitions*. For this we are perswaded, that the *Attribute*, which was given by one of the wisest Writers, to two of the best *Emperours*; *Divus Nerva & Divus Trajanus*; (So saith *Tacitus*) *Res olim insociabiles miscuerunt, Imperium, & Libertatem*; May be truly applyed, to your *Majesty*. For never was there such a Conservatour of *Regality*, in a *Crown*; Nor never, such a *Protectour* of lawfull freedome, in a *Subject*.

Only this, (*Excellent Soveraign*,) Let not the sound of *Grievances* (though it be sad,) seem harsh to your Princely ears; It is but *Gemitus Columbæ*; the *Mourning of a Dove*; with that patience and humility of heart, which appertaineth to loving and Loyal *Subjects*. And far be it from us; But that, in the midst of the Sense of our Grievances, we should remember, and acknowledge the infinite Benefits, which by your *Majesty*, next under God we do enjoy; which bind us to wish unto your life Fulness of Dayes; And unto your *Line Royal*, a Succession, and Continuance, even unto the worlds end.

It resteth, that unto these *Petitions* here included, I do add one more, that goeth to them all: Which is; That if in the words, and frame of them, there be any thing offensive; Or that we have expressed our selves otherwise than we should or would; That your *Majesty* would cover it, and cast the Vaile of your Grace upon it; And accept of our good intentions; And help them, by your benign Interpretation.

Lastly I am most humbly to crave a particular pardon, for my self, that have used these few words; And scarcely, should have been able to have used any at all, in respect of the Reverence which I bear to your Person and Judgement had I not been somewhat relieved, and comforted by the experience, which in my Service, and Access I have had of your continual *Grace* and *Favour*.

A Speech *of the* Kings Sollicitor, *used unto the* Lords, *at a* Conference, *by* Commission, *from the* Commons *Moving and perswading the* Lords *to joyn with the* Commons *in* Petition *to the King; To obtain Liberty to treat of a* Composition *with his* Majesty, for Wards, *and* Tenures *in the* Parliament, 7°. Jacobi.

THe *Knights*, Citizens, and *Burgesses*, of the *House of Commons*, have commanded me, to deliver to your *Lordships*, the *Causes* of the *Conference*, by them prayed, and by your *Lordships* assented, for the second *Business*, of this *Day*. They have had Report made unto them, faithfully, of his *Majesties* Answer declared by My *L. Treasurer*, touching their humble desire to obtain Liberty, from his *Majesty*, to treat of compounding for *Tenures*. And first, they think

A Speech about Wards, and Liveries.

think themſelves much bound unto his *Majeſty*, that in *Renova*, in which caſe *Princes* uſe to be apprehenſive, he hath made a gracious conſtruction, of their propoſition. And ſo much they know of that, that belongs to the Greatneſs of his *Majeſty*, , and the Greatneſs of the *Cauſe*; As themſelves acknowledge, they ought not to have expected a preſent *Reſolution*, though the *Wiſe-Man* ſaith; *Hope deferred is the Fainting of the Soul.* But they know their Duty to be, to attend his *Majeſties* Times, at his good pleaſure. And they do it with the more comfort, becauſe that in his *Majeſties* anſwer (Matching the Times, and weighing the paſſages thereof,) they conceive in their Opinion, rather Hope than diſcouragement.

But the principal *Cauſes* of the *Conference* now prayed; (Beſides theſe ſignifications of Duty, not to be omitted) are two *Propoſitions.* The one Matter of *Excuſe*, of themſelves: The other Matter of *Petition.* The former of which grows thus. Your *Lordſhip* (my *L. Treaſurer*) in your laſt *Declaration* of his *Majeſties Anſwer*, (which according to the Attribute then given unto it, had *Imaginem Cæſaris*, fair and lively graven,) made this true and effectual Diſtribution, that there depended upon *Tenures*, Conſiderations of *Honour*, of *Conſcience*, and of *Utility*: Of theſe three, *Utility*, as his *Majeſty* ſet it by for the preſent, out of the Greatneſs of his Mind, ſo we ſet it by, out of the Juſtneſs of our Deſires: For we never meant but a goodly and worthy Augmentation of the Profit now received, and not a Diminution, (But to ſpeak truely) that *Conſideration* falleth naturally to be examined, when *Liberty of Treaty* is granted: But the former two indeed, may exclude *Treaty*, and cut it off, before it be admitted.

Nevertheleſs, in this that we ſhall ſay concerning thoſe Two, we deſire to be conceived rightly: We mean not to diſpute with his *Majeſty*, what belongeth to *Soveraignty Honour*, or his *Princely Conſcience*; Becauſe we know, we are not capable to diſcern them otherwiſe than as Men uſe ſometimes to ſee the Image, of the *Sun* in a Pail of Water. But this we ſay for our ſelves, *God* forbid, that that we knowingly, ſhould have propounded any thing that might in our ſenſe, and perſwaſion touch either of both: and therefore herein we deſire to be heard, not to inform, or perſwade his *Majeſty*, but to free and excuſe our ſelves.

And firſt, in general, we acknowledge that this *Tree* of *Tenures*, was planted into the *Prerogatives* by the ancient common *Law* of this *Land:* That it hath been Fenced in, and preſerved, by many *Statutes*; And that it yieldeth, at this day to the *King* the *Fruit* of a great *Revenue.* But yet notwithſtanding, if upon the *Stem* of this Tree, may be raiſed a *Pillar* of ſupport to the *Crown* Permanent, and durable as the *Marble*, by inveſting the *Crown* with a more ample, more certain, and more loving Dowry than this of *Tenures*, we hope we propound no Matter of Diſſervice.

But to ſpeak, diſtinctly, of both, and firſt of *Honour.* Wherein, I pray your *Lordſhips*, give me leave in a Subject that may ſeem, *ſupra Nos* to handle it rather as we are capable, then as the Matter perhaps may require. Your *Lordſhips* well know, the various Mixture, and Compoſition of our *Houſe*. We have in our *Houſe* learned *Civilians*, that profeſs a Law, that we reverence and ſometimes conſult with: They can tell us, that all the *Leges de Feodis*, are but *Additionals* to the *Ancient Civil Law*, and that the *Roman Emperours*, in the full heighth of their *Monarchy* never knew them, So that they are not *Imperial*. We have grave profeſſours of the *Common Law*, who will define unto us that thoſe are parts of *Soveraignty*, and of the *Royal Prerogative* which cannot be communicated with *Subjects*: But for *Tenures* in ſubſtance, there is none of your *Lordſhips*, but have them, and few of us but have them. The

A Speech about Wards, and Liveries.

King indeed, hath a priority, or first Service, of his *Tenures*, which shewes, that they are not *Regall*, nor any point of *Soveraignty*. We have Gentlemen, of honourable Service, in the *Wars*, both by Sea, and Land; Who can inform us, that when it is in question, who shall set his foot foremost towards the Enemy, it is never asked, whether he hold in *Knights Service*, or in *Socage*. So have we many *Deputy Lieutenants*, to your *Lordships*, and many *Commissioners* that have been for *Musters*, and *Levies* that can tell us, that the Service and Defence of the *Realm*, hath in these dayes little dependance upon *Tenures*. So then we perceive, that it is no Bond or Ligament, of *Government*; No Spur of Honour, no Bridle of Obedience: Time was, when it had other uses, and the Name of *Knights Service* imports it: But *Vocabula manent, Res fugiunt*. But all this which we have spoken, we confess to be but in a vulgar Capacity, which nevertheless, may serve for our excuse, though we submit the Thing it self, wholy to his *Majesties* Judgement.

For Matter of *Conscience*, Far be it from us, to cast in any Thing, willingly, that may trouble that clear Fountain of his *Majesties* conscience. We do confess, it is a noble Protection, that these young *Birds* of the *Nobility*, and good *Families*, should be gathered and clocked under the wings of the *Crown*. But yet, *Naturæ vis maxima*: And *suus cuique discretus sanguis*. Your *Lordships* will favour me: to observe my former Method. The *Common Law* it self, which is the best bounds of our wisdom doth even, in *hoc Individuo*, prefer the *prerogative* of the *Father*, before the *prerogative* of the *King*: For if *Lands* descend held in chief, from an Ancestour, on the part of a Mother, to a Mans eldest Son, the *Father* being alive, The *Father*, shall have the Custody of the Body and not the *King*. It is true, that this is only for the *Father*, and not any other *Parent*, or *Ancestour*: But then if you look, to the high *Law* of Tutelage, and Protection, and of *Obedience* and *Duty*, which is the *Relative* thereunto; It is not said, *Honour thy Father alone*, But, *Honour thy Father, and thy Mother*, &c. Again, the *Civilians* can tell us, that there was a special Use of the *Pretorian* Power, for *Pupils*, and yet no *Tenures*. The *Citizens* of *London*, can tell us; There be *Courts* of *Orphants*, and yet no *Tenures*. But all this while, we may pray your *Lordships*, to conceive; That we think our selves, not competent, to discern of the *Honour*, of his *Majesties Crown*, or the *Shrine* of his *Conscience*; But leave it wholy unto him and alledge these things, but in our own *Excuse*.

For matter of *Petition*, we do continn our most humble suit by your *Lordships* loving Conjunction, that his *Majesty* will be pleased, to open unto us, this entrance of his Bounty, and Grace; as to give us liberty, to treat. And lastly, we know his *Majesties* Times, are not subordinate at all, but to the *Globe* above: About this time, the *Sun* hath got even with the Night, and will rise apace, And we know, *Solomons Temple* (whereof your *Lordship*, my *Lord Treasurer*, spake) was not built in a day: And if we shall be so happy, as to take the Axe to hew, and the Hammer to frame, in this Case we know, it cannot be, without Time; And therefore, as far, as we may, with Duty, and without Importunity, we most humbly desire, an Acceleration of his *Majesties Answer*, according to his good time, and Royal Pleasure.

A Speech about receiving the Kings Messages.

A Speech *of the* Kings Sollicitor, *perswading the* House *of* Commons *to desist from further Question, of receiving the* Kings Messages, *by their* Speaker; *and from the* Body *of the* Councel, *as well as from the* Kings Person; *In the* Parliament 7°. Jac.

IT is my desire, that if any the *Kings* business, either of honour or profit, shall pass the *House*, it may be, not only with external prevailing, but with satisfaction of the Inward Man. For in consent, where *tongue-strings*, not *heart-strings*, make the *Musick*; that *Harmony* may end in *discord*. To this I shall always bend my endeavours.

The *Kings Soveraignty*, and the *Liberty* of *Parliament*, are as the two Elements, and Principles of this *Estate*; which, though the one be more active, the other more passive, yet they do not cross, or destroy, the one the other; but they strengthen, and maintain, the one the other. Take away *Liberty* of *Parliament*, the *griefs* of the *Subject* will bleed inwards. Sharp and eager Humours will not evaporate; and then they must exulcerate, and so may indanger the *Soveraignty* it self. On the other side, if the *Kings Soveraignty* receive diminution, or any degree of contempt with us that are born under an *Hereditary Monarchy*; (so as the motions of our *Estate* cannot work in any other Frame, or Engine;) it must follow, that we shall be a *Meteore*, or *Corpus imperfecte mistum*; which kind of Bodies come speedily to confusion and dissolution. And herein it is our happiness, that we may make the same judgment of the *King*, which *Tacitus* made of *Nerva*; *Divus* Nerva, *res olim Dissociabiles miscuit, Imperium, & Libertatem.* Nerva *did temper things, that before were thought incompatible, Soveraignty, and Liberty.* And it is not amiss, in a great Councel, and a great Cause, to put the other part of the difference, which was significantly expressed, by the judgment which *Apollonius* made of *Nero*; which was thus. When *Vespasian* came out of *Judea*, towards *Italy*, to receive the *Empire*; as he passed by *Alexandria*, he spake with *Apollonius*, a man much admired; and asked him a Question of State. *What was* Nero's *fall, or overthrow?* Apollonius *said*, Nero *could tune the Harp well, but in Government he always either wound up the Pins too high, and strained the strings too far; or let them down too low, and slackened the strings too much.* Here we see the difference between regular and able *Princes*, and irregular and incapable; *Nerva*, and *Nero*. The one tempers and mingles the *Soveraignty* with the *Liberty* of the *Subject*, wisely; and the other doth interchange it, and vary it unequally, and absurdly. Since therefore we have a *Prince* of so excellent Wisdom and Moderation, of whose *Authority* we ought to be tender, as he is likewise of our *Liberty*; let us enter into a true and indifferent consideration, how far forth the Case in Question may touch his *Authority*, and how far forth our *Liberty*. And to speak clearly, in my Opinion it concerns his *Authority* much, and our Liberty nothing at all.

The *Questions* are two. The one, Whether our *Speaker* be exempted from delivery of a Message from the *King*, without our Licence. The other, Whether it is not all one, whether he received it from the *Body* of the *Councel*, as if he received it immediately from the *King*. And I will speak of the last first, because it is the circumstance of the present Case.

First,

A Speech a-gainst receiving the Kings Meſſages.

First, I say, let us see how it concerns the *King*, and then how it concerns *us*? For the *King*, certainly, if it be observed, it cannot be denied, but if you may not receive his pleasure by his *Representative Body*, which is his *Counsel* of his *Estate*; you both streighten his *Majesty*, in point of conveniency, and *weaken* the Reputation of his *Counsel*. All *Kings*, though they be *Gods* on Earth, yet (as he said) they are *Gods* of Earth: They may be of extreme Age; they may be indisposed in health; they may be absent. In these cases, if their *Councels* may not supply their persons, to what infinite accidents do you expose them? Nay more, sometimes in policy *Kings* will not be seen, but cover themselves with their *Councel*; and if this be taken from them, a great part of their safety is taken away. For the other point, of *weakning* the *Councel*; you know they are nothing without the *King*. They are no *Body Politique*: They have no *Commission* under *Seal*. So as, if you begin to distinguish, and disjoyn them from the *King*, they are *Corpus Opacum*; For they have *Lumen de Lumine*; And so, by distinguishing, you extinguish the principle Engine of the *Estate*. For it is truly affirmed, that *Consilium non habet potestatem delegatam, sed inhærentem*: And it is but *Rex in Cathedra*; the *King* in his *Chair*, or *Consistory*, where his Will and Decrees, which are in privacy more changeable, are setled and fixed.

Now for that which concerns our *selves*. First for Dignity, no man must think this a disparagement for us. For the greatest *Kings* in *Europe*, by their *Embassadours*, receive Answers and Directions from the *Councel* in the *Kings* absence; And if that *Negotiation* be fit, for the *Fraternity* and *Party* of *Kings*; it may much less be excepted to by *Subjects*.

For use or benefit, no man can be so raw, and unacquainted in the *affairs* of the *World*, as to conceive there should be any disadvantage in it; as if such *Answers* were less firm and *certain*. For it cannot be supposed, that men of so great Caution, as *Councellours* of *Estate* commonly are; (whether you take Caution for Wisdom, or Providence; or for *Pledges* of Estate, or Fortune;) will ever erre, or adventure so far, as to exceed their Warrant. And therefore I conclude, that in this point there can be unto us, neither disgrace, nor disadvantage.

For the point of the *Speaker*. First, on the *Kings* part, it may have a shrewd Illation: For it hath a shew, as if there could be a stronger Duty, then the Duty of a *Subject* to a *King*. We see the degrees and differences of duties in Families, between *Father*, and *Son*; *Master*, and *Servant*; in Corporate Bodies, between Communalties, and their Officers; Recorders, Stewards, and the like; yet all these give place to the Kings Commandments. The Bonds are more special, but not so forcible. On our part, it concerns us nothing. For first it is but *de Canali*, of the Pipe; How the *Kings* Message shall be conveyed to us, and not of the matter. Neither hath the *Speaker* any such Dominion, as that coming out of his mouth, it presseth us more then out of a *Privy Councellours*. Nay, it seems to be a great Trust of the *Kings* towards the *House*; when the *King* doubteth not to put his Message into their *Mouth*; as if he should speak to the *City* by the *Recorder*: Therefore, methinks, we should not entertain this unnecessary doubt. It is one use of wit, to make clear things doubtful; but it is a much better use of wit, to make doubtful things clear; And to that, I would, men would bend themselves.

A brief Speech, *in the End of the Session of* Parliament, 7°. Jac. *Perswading some* Supply, *to be given to his* Majesty; *which seemed then to stand upon doubtfull terms; And passed upon this* Speech.

A Speech about receiving the Kings Messages.

THe proportion of the *Kings Supply*, is not now in question: For when that shal be, it may be I shall be of Opinion, that we should give so now, as we may the better give again. But as things stand for the present, I think the point of Honour and Reputation, is that, which his *Majesty* standeth most upon; That our Gift, may at least be like those showers that may serve, to lay the *Winds*; Though they do not sufficiently, *Water the Earth*.

To Inbou., to perswade you, I will not; For I know not into what Form, to call my *Speech*. If I should enter into a Laudative (though never so due and just) of the *Kings* great Merits, it may be taken for Flattery: If I should speak, of the strait Obligations, which intercede, betweene the *King* and the *Subject*, in case of the *Kings* want, it were a kind of concluding the *House*, If I should speak, of the dangerous Consequence, which Want may reverberate upon *Subjects*, it might have a shew, of a secret Menace.

These *Arguments* are (I hope) needless; And do better in your Minds, then in my Mouth. But this, give me leave to say; That whereas the Example, of *Cyrus* was used, who sought his *Supply*, from those upon whom he had bestowed his *Benefits*, we must always remember; That there are, as well *Benefits* of the *Scepter*, as *Benefits* of the *Hand*; As well of *Government*, as of *Liberality*. These I am sure we will acknowledge to have come, *plena manu*, amongst us all; And all those whom we represent, and therefore, it is every Mans *Head*, in this Case; that must be his Counsellour, and every Mans *Heart* his Orator, and those inward powers are more forcible, then any Mans *Speech*, I leave it, and wish it may go to the *Question*.

A Speech *delivered by the* Kings Attorney, *Sir* Francis Bacon, *in the* Lower House; *When the* House *was in great heat, and much troubled about the* undertakers; *which were thought to be, some able and forward* Gentlemen; *Who to ingratiat themselves with the* King, *were said to have undertaken, that the* Kings Businesse, *should pass in that* House, *as his* Majesty *could wish. In the* Parliament, 12°. Jac.

(Mr. *Speaker*,)

I Have been hitherto silent, in this Matter of *undertaking*: wherein, as I perceive, the *House*, is much enwrapped.

First, because, (to be plain with,) I did not well understand, what it meant

A Speech when the House was troubled about undertakers.

meant, or what it was? And I do not love to offer at that, that I do not throughly conceive. That private Men, should undertake, for the *Commons* of *England*, Why? A Man might as well undertake for the four *Elements*? It is a thing, so giddy, and so vast, as cannot enter into the Brain of a sober Man. And specially, in a new *Parliament*; When it was impossible to know, who should be of the *Parliament*; And when all Men that know never so little, the Constitution of this *House*, do know it to be so open to Reason; As Men do not know, when they enter into these Doors, what mind themselves will be of, until they hear Things argued and debated. Much less, can any Man make a policy of Assurance; what Ship shall come safe home into the Harbour in these Seas. I had heard of *undertakings* in several kinds: There were *undertakers* for the Plantations of *Derry* and *Colerane* in *Ireland*, the better to command and bridle those Parts: There were not long ago some *undertakers* for the *North-West Passage*, And now there are some *undertakers* for the Project of *Died* and *Dressed Cloaths*; And in short, every Novelty useth to be strengthened, and made good, by a kind of *undertaking*. But for the Ancient *Parliament* of *England*, which moves in a certain Manner and Sphear; To be *undertaken*, it passes my reach to conceive, what it should be. Must we be all *Died* and *Dressed*, and no pure *Whites* amongst us? Or must there be a new passage found, for the *Kings Business*, by a point of the *Compass*, that was never *sailed* by before? Or must there be some *Forts* built in this *House*, that may command and contain the rest? (Mr. *Speaker*) I know, but two *Forts* in this *House*, which the *King* ever hath; The *Fort* of *Affection*, and the *Fort* of *Reason*; The one, Commands the *Hearts*, and the other Commands the *Heads*, and others, I know none. I think *Æsop* was a wise Man that described the nature of the *Fly*, that sat upon the spoke of the *Chariot Wheel*, and said to her self; *What a Dust do I raise?* So for my part, I think, that all this Dust is raised, by light Rumours and Buzzes, and not upon any solid Ground.

The second *Reason*, that made me silent, was because this Suspition, and Rumor, of undertaking, settles upon no Person certain. It is like the *Birds* of *Paradise*, that they have in the *Indies*, that have no Feet, and therefore, they never light upon any place, but the wind carries them away: And such a thing do I take this *Rumour* to be.

And lastly, when that the *King* had, in his two several *speeches*, freed us from the main of our Fears, in affirming, directly, that there was no *undertaking* to him; And that, he would have taken it to be no less derogation to his own *Majesty*, than to our Merits; To have the Acts of his people transferred to particular persons; that did quiet me thus far, That these Vapours were not gone up to the *Head*, howsoever they might glow and estuate in the *Body*.

Nevertheless, since I perceive that this Cloud, still hangs over the *House*; And that it may do no hurt, as well in Fame abroad, as in the *Kings* Ear, I resolved with my self to do the part of an honest voice in this *House*, to counsel you, what I think to be for the best.

Wherein first, I will speak plainly of the pernicious Effects of the Accident of this Brute and Opinion, of *undertaking*, towards particulars, towards the *House*, towards the *King*, and towards the *People*.

Secondly, I will tell you, in mine Opinion, what *undertaking* is tolerable, And how far it may be justified, with a good mind, and on the other side, this same Ripping up of the *Question* of *undertakers*, How far it may proceed from a good Mind, and in what kind it may be thought malicious and dangerous.

Third-

A Speech when the House was troubled about undertakers.

Thirdly, I will shew you my poore advice, what Means there are to put an end to this Question of *Undertaking*; Not falling for the present upon a precise Opinion; But breaking it, how many wayes there be by which you may get out of it; And leaving the choice of them to a *Debate* at the *Committee*.

And Lastly, I will advise you how things are to be handled at the *Committee*, to avoid distraction and loss of Time.

For the First of these, I can say to you but as the Scripture saith, *Si invicem mordetis, ab invicem consumini.* If ye Fret and Gall one anothers Reputation; The end will be, that every Man shall go hence, like *Coyn* cried down: Of less price than he came hither. If some shall be thought to fawn upon the *Kings* Business openly; And others to cross it secretly; Some shall be thought *Practicers*, that would pluck the Cards; And others shall be thought *Papists*, that would shuffle the Cardes, what a Misery it this, that we should come together to fool one another, instead of procuring the publick good?

And this ends not in particulars, but will make the whole *House* contemptible: For now I hear Men say, that this Question of *undertaking*, is the predominant Matter of this *House*. So that we are now according to the *Parable* of *Jotham*, in the Case of the *Trees* of the *Forrest*; That when Question was, whether the *Vine* should *raign* over them? That might not be: And whether the *Olive* should *raign* over them? that might not be; But we have excepted the *Bramble* to *raign* over us. For it seemes that the good *Vine of the Kings Graces*, that is not so much in esteem: And the good Oyle, whereby we should salve and relieve the wants of the Estate and Crown, that is laid aside too: And this *Bramble* of *Contention* and *Emulation*; This *Abimelech*, which (as was truely said, by an understanding Gentleman) is a *Bastard* (For every Fame that wants a Head is *Filius populi*) This must *raign* and *rule* amongst us.

Then for the *King* nothing can be more opposite, *Ex diametro*, to his Ends and Hopes than this. For you have heard him profess like a *King*, and like a *gracious King*; that he doth not so much respect his present supply as this demonstration, that the *Peoples* Hearts are more knit to him to him than before. Now then, if the Issue shall be this, that whatsoever shall be done for him, shall be thought to be done but by a number of Persons, that shall be laboured and packt; This will rather be a sign of Diffidence and Alienation, than a natural Benevolence and Affection, in his People at home; And rather Matter of Disreputation, than of Honour abroad. So that to speak plainly to you; The *King* were better call for a new Pair of Cards, then play upon these if they be packt.

And then for the *People*, it is my manner ever, to look as well beyond a *Parliament*, as upon a *Parliament*; And if they abroad shall think themselves betrayed by those that are their *Deputies*, and *Attournies* here, it is true, we may bind them, and conclude them, But it will be with such murmur and Insatisfaction, as I would be loath to see.

These things might be dissembled; And so things left to bleed inwards: But that is not the way, to cure them. And therefore I have searched the *Sore*, in hope that you will endeavour the *Medicine*.

But this to do more throughly, I must proceed to my second Part, to to tell you cleerely, and distinctly, what is to be set on the Right hand, and what on the left, in this business.

A Speech when the Houſe was troubled about undertakers.

Firſt, if any Man hath don good Offices, to advise the *King* to call a *Parliament*, and to increaſe the good affection and Confidence of his *Majeſty*, towards his *People*, I ſay that ſuch a perſon doth rather *Merit* well, than commit any Errour, nay further, if any man hath out of his own good mind, given an opinion, touching the minds of the *Parliament* in general; How it is probable, they are like to be found, and that they will have a due feeling of the *Kings* wants, and will not deale drily or illiberally with him, this man that doth but think of other mens minds, as he finds his own, is not to be blamed. Nay further, if any Man hath coupled this with good wiſhes and Propoſitions; That the *King* do comfort the Hearts of his *People*, and teſtifie his own love to them, by filing off the harſhneſs of his *Prerogative*; Retaining the ſubſtance and ſtrength; And to that purpoſe, like the good *houſholder* in the *Scripture*, *That brought forth old ſtore and new*, hath revolved the Petitions and Propoſitions of the laſt *Parliament*, and added new; I ſay this Man hath ſown good ſeed; And he that ſhall draw him into Envy for it, *ſowes Tares*. Thus much of the *Right hand*. But on the other ſide, if any ſhall mediately, or immediately infuſe into his *Majeſty*, or to others, that the *Parliament* is as *Cato* ſaid of the *Romans*, like *Sheep*; That a Man were better drive a Flock of them than one of them; And however, they may be wiſe Men ſeverally, yet in this Aſſembly, they are guided by ſome few, which if they be made and aſſured, the reſt will eaſily follow: This is a plain Robbery of the *King* of *Honour*, and his *Subjects* of Thanks, and it is to make the *Parliament* vile and ſervile in the eyes of their *Soveraign*, and I count it no better than a ſupplanting of the *King* and *Kingdome*. Again, if a Man ſhall make this Impreſſion, that it ſhall be enough for the *King* to ſend us ſome things of ſhew, that may ſerve for colours, and let ſome *Eloquent Tales* be told of them, and that will ſerve *Ad faciendum populum*, any ſuch perſon will find, that this *Houſe* can well skill of Falſe Lights, and that it is no wooing Tokens but the true Love, already planted, in the Breaſt of the *Subjects* that will make them do for the *King*. And this my Opinion, touching thoſe that may have perſwaded a *Parliament*. Take it on the other ſide (for I mean in all things to deal plainly) if any Man hath been diffident touching the Call of a *Parliament*, thinking that the beſt meanes were firſt for the *King* to make his utmoſt tryal to ſubſiſt of himſelf, and his own means, I ſay an Honeſt and faithful Heart might conſent to that opinion, and the event it ſeems doth not greatly diſcredit it hitherto. Again if any Man ſhall have been of opinion, that it is not a particular Party that can bind the *Houſe*; Nor, that it is not Shewes or *Colours* can pleaſe the *Houſe*, I ſay, that Man though his ſpeech tend to diſcouragement, yet it is coupled with providence. But by your leave if any Man ſince the Parliament was called, or when it was in ſpeech, ſhall have laid Plots to croſſe the good will of the *Parliament* to the *King*; By poſſeſſing them, that a few ſhall have the thanks; And that they are (as it were) bought and ſold, and betrayed; And that, that which the *King* offers them, are but Baites, prepared by particular perſons; Or have raiſed rumours, that it is a packt *Parliament*; To the end, nothing may be done, but that the *Parliament* may be diſſolved (as Gameſters uſe to call for new Cards, when they miſtruſt a *Pack*:) I ſay, Theſe are Engines, and Deviſes, Naught, maligne and Seditious.

Now for the *Remedy*; I ſhall rather break the matter, (as I ſaid in the Beginning, then adviſe poſitively. I know but three wayes. Some *Meſſage* of *Declaration* to the *King*. Some *Entry*, or *proteſtation*, amongſt our ſelves

Or

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Or some, *strict and punctual Examination.* As for the last of these, I assure you I am not against it, if I could tell where to begin or where to end. For certainly, I have often seen it, that things when they are smother, trouble more than when they break out. Smoak blinds the Eyes, but when it blazeth forth into Flame, it gives light to the Eyes. But then if you fall to *Examination*, some *Person* must be charged; some *Matter* must be charged: And the *Manner* of that *Matter* must be likewise charged; For it may be in a Good Fashion, and it may be in a Bad; In as much difference as betweene Black and White: And then, how far Men will *ingenuously confesse*, how far they will *politickly deny*; And what we can *Make*, and *gather* upon their Confession; And how we shall prove against their *Denial*, It is an endless peece of Work; And I doubt that we shall grow weary of it.

For a *Message* to the *King*; It is the Course, I like best; so it be carefully, and considerately, handled: For if we shall represent to the *King*, the Nature of this *Body* as it is; Without the vayles or shadows, that have been cast upon it; I think we shall do him Honour, and our selves Right.

For any thing that is to be done *amongst our selves*, I do not see much gained by it; Because it goes no further than *our selves*: Yet if any thing can be wisely conceived to that end, I shall not be against it; But I think, the purpose of it is fittest to be; Rather that the House conceives that al this is but a Misunderstanding; Than to take knowledge that there is indeed a Just ground, and then to seek by a *Protestation* to give it a *Remedy*. For *Protestations*, and *Professions*, and *Apologies*, I never found them very Fortunate; But they rather encrease suspicion than clear it.

Why then the Last part is, that these things be handled at the *Committee* seriously and temperately: Wherein I wish that these four Degrees of *Questions* were handled in order.

First, whether we shall do any thing at all in it; Or passe by it and let it sleep.

Secondly, whether we shall enter into a particular *Examination* of it?

Thirdly, whether we shall content our selves with some *Entry* or *Protestation* amongst our selves?

And Fourthly, whether we shall proceed to a Message to the *King*; And what?

Thus I have told you mine Opinion. I know it had been more safe and politick to have been silent, but it is perhaps, more honest and loving to speak. The old verse is: *Nam nulli tacuisse nocet, nocet esse locutum.* But by your leave, *David* saith; *Silui a bonis, & dolor meus renovatus est.* When a man speaketh, he may be wounded by Others, but if he hold his peace from Good things, he wounds himself. So I have done my part, and leave it to you to do that which you shall judge to be the best.

A Charge in the Star-Chamber *against* William Talbot.

The Charge *of Sir* Francis Bacon Knight, *his* Majesties Attorney Generall, *against* William Talbot, *a Counsellor at Law, of* Ireland, *upon an* Information *in the* Star-Chamber Ore tenus; *For a writing under his Hand, whereby the said* William Talbot *being demanded, whether the Doctrine of* Suarez, *touching Deposing and Killing of* Kings Excommunicated *were true or no? He answered, that he referred himself unto that which the* Catholick Roman Church, *should determine thereof.* Ultimo die Termini *Hilarij*, undecimo *Jacobi Regis:*

My Lords,

I Brought before you the first sitting of this *Term* the Cause of *Duels*: But now this last sitting, I shall bring before you a Cause concerning the greatest *Duell*, which is in the *Christian World*, the *Duels*, and Conflicts, between the lawful authority, of *Soveraign Kings*, which is *Gods* Ordinance for the comfort of Humane Society, and the swelling pride, and usurpation, of the *See* of *Rome in Temporalibus*, tending altogether to *Anarchy* and confusion. Wherein if this pretence by the *Pope* of *Rome* by *Cartels*, to make *Soveraign Princes* as the *Banditi*, and to proscribe their Lives, and to expose their *Kingdomes* to prey, if these pretences (I say) and all persons, that submit themselves to that part of the *Popes* power, be not by all possible severity, repressed and punished; The State of *Christian Kings*, will be no other than the ancient Torment described by the *Poets*, in the *Hell* of the *Heathen*; *a man sitting richly roabed solemnly attended, delicious fare*, &c. *With a Sword hanging over his Head, hanging by a small thread, ready every moment to be cut down, by an accursing, and accursed hand.* Surely, I had thought they had been the prerogatives of *God* alone, and of his secret Judgements; *Solvam Cingula Regum*, *I will loosen the Girdles of Kings*; Or again, *He powreth contempt upon Princes* or *I will give a King in my wrath, and take him away again, in my displeasure.* And the like, But if these be the Claims of a *Mortal Man*, certainly, they are but the *Mysteries* of that *Person* which exalts himself above all that is called *God*, *Supra omne quod dicitur Deus* (Note it well) Not above *God.* (though that in a sense be true in respect of the Authority they claim over the *Scriptures*) But *Above all that is called God*, that is, Lawfull *Kings* and *Magistrates*..

But *my Lord.* in this *Duel* I find this *Talbot* that is now before you, but a Coward, For he hath given ground, he hath gone backward and forward, but in such a fashion, and with such interchange of Repenting, and relapsing, as I cannot tell whether it doth extenuate or aggravate his Offence. If he shall more publikely in the face of the *Court* fall, and settle, upon a right mind, I shall be glad of it, and he that would be against the Kings mercy, I would he might need the Kings mercy, but nevertheless, the *Court* will proceed by Rules of Justice.

The offence wherewith I charge this *Talbot*, *Prisoner* at the *Bar*, is this, in brief and in effect, *That he hath maintained, and maintaineth under his hand a power in the Pope for the Deposing and murthering of Kings.* In what sort he doth this, when I come to the proper and particular charge, I will deliver it in his own words, without pressing or straining.

But

A Charge in the Star-Chamber *against* William Talbot.

But before I come to the particular *charge* of this man, I cannot proceed so coldly, but I muſt expreſs unto your *Lordſhips* the extreme and imminent danger wherein our dear and dread *Soveraign* is, and in him we all; Nay, and wherein, all *Princes* of both *Religions* (for it is a common cauſe) do ſtand at this day, by the ſpreading and enforcing of this furious and pernicious Opinion of the *Popes* Temporal Power; which though the modeſt ſort would blanch with the diſtinction of, *In ordine ad Spiritualia*, yet that is but an Eluſion; for he that maketh the *Diſtinction*, will alſo make the *Caſe*. This peril, though it be in it ſelf notorious, yet becauſe there is a kind of dulneſs, and almoſt a Lethargy in this Age, give me leave to ſet before you two Glaſſes, ſuch as certainly the like never met in one Age; the *Glaſſes* of *France*, and the *Glaſs* of *England*. In that of *France*, the *Tragedies* acted and executed in two immediate *Kings*; in the *Glaſs* of *England*, the ſame, or more horrible, attempted likewiſe in a *Queen* and *King* immediate, but ending in a happy deliverance. In *France*, *H.* 3. in the face of his Army, before the walls of *Paris*, ſtabbed by a wretched *Jacobine Fryer*, *H.* 4. (a *Prince* that the *French* do ſurname the *Great*) one that had been a Saviour and Redeemer of his Country from infinite calamities, and a Reſtorer of that *Monarchy* to the ancient ſtate and ſplendour, and a *Prince* almoſt *Heroical* (except it be in the point of *Revolt* from *Religion*;) At a time, when he was as it were to mount on Horſe-back, for the Commanding of the greateſt Forces that of long time had been levied in *France*; this King likewiſe ſtilletted by a *Raſcal votary*, which had been enchanted and conjured for that purpoſe.

In *England*, Queen *Elizabeth*, of bleſſed memory; a *Queen* comparable, and to be rankt with the greateſt *Kings*, oftentimes attempted by like Votaries, *Somervile*, *Parry*, *Savage*, and others, but ſtill protected by the *Watch-man* that *ſlumbreth not*. Again, our excellent *Soveraign* King *James*, the ſweetneſs and clemency of whoſe Nature, were enough to quench and mortifie all Malignity; and a *King* ſhielded and ſupported by Poſterity: Yet this *King* in the Chair of *Majeſty*, (his *Vine* and *Olive branches* about him;) attended by his *Nobles*, and *Third Eſtate* in *Parliament*, ready, in the *twinkling of an eye*, (as if it had been a particular *Dooms-day*) to have been brought to aſhes, diſperſed to the *four Winds*. I noted, the laſt day my *Lord Chief Juſtice*, when he ſpake of this *Powder Treaſon*, he laboured for words; though they came from him with great efficacy, yet he truly confeſſed, and ſo muſt all men, *That that Treaſon is above the Charge and Report of any words whatſoever*.

Now, my *Lords*, I cannot let paſs, but in theſe *Glaſſes* which I ſpake of, beſides the *Facts* themſelves, and *danger*, to ſhew you two things. The one the ways of *God Almighty*, which turneth the *Sword* of *Rome* upon the *Kings* that are the *Vaſſals* of *Rome*, and over them gives it power; but protecteth thoſe *Kings* which have not accepted the Yoak of his Tyranny from the effects of his malice. The other, that (as I ſaid at firſt) this is a common cauſe of *Princes*; it involveth *Kings* of both *Religions*; and therefore his *Majeſty* did moſt worthily and prudently ring out the *Alarum Bell*, to awaken all other *Princes* to think of it ſeriouſly, and in time. But this is a miſerable caſe the while, that theſe *Roman Souldiers* do either thruſt the Spear into the ſide of *Gods Annointed*, or at leaſt they *Crown* them with *Thorns*; that is, piercing and pricking cares and fears, that they can never be quiet, or ſecure of their Lives or States. And as this peril is common to *Princes* of both *Religions*; ſo *Princes* of both *Religions* have been likewiſe equally ſenſible of every injury that touch't their *Temporal*.

A Charge in the Star-Chamber against William Talbot.

Thuanus reports in his Story, that when the *Realm* of *France* was interdicted by the violent proceedings of Pope *Julius* the 2d. the King, *Lewis* the 12th. otherwise noted for a moderate Prince, caused Coyns of *Gold* to be stamped with his own Image, and this Superscription; *Perdam nomen Babylonis et terra.* And *Thuanus* saith, himself hath seen divers *pieces* thereof. So as this *Catholick King* was so much incensed at that time, in respect of the *Popes Usurpation*, as he did fore-run *Luther*, in applying *Babylon* to *Rome*. *Charles* the 5th. *Emperour*, who was accounted one of the *Popes* best *Sons*, yet proceeded, in matter temporal, towards Pope *Clement*, with strange rigour; never regarding the *Pontificality*, but kept him prisoner eighteen moneths in a pestilent Prison; and was hardly disswaded by his Councel from having sent him *Captive* into *Spain*; and made sport with the threats of *Frosberg*, the *German*, who wore a silk Rope under his Cassock, which he would shew in all companies; telling them, that he carried it to strangle the *Pope* with his own hands. As for *Philip* the *Fair*, it is the ordinary example, how he brought Pope *Boniface* the 8th. to an ignominious end, dying mad and enraged; and how he stiled his Rescript to the Popes Bull, whereby he challenged his Temporal; *Sciat Fatuitas Vestra*; not your *Beatitude*, but your *Stultitude*; a Stile worthy to be continued in like cases; for certainly that claim is meerly folly and fury. As for *Native Examples* here, it is too long a Field to enter into them. Never *Kings* of any *Nation* kept the Partition Wall between Temporal and Spiritual: better in times of greatest Superstition: I report me to King *Edward* 1. that set up so many *Crosses*, and yet crossed that part of the *Popes Jurisdiction*, no man more strongly. But these things have passed better *Pens* and *Speeches*: Here I end them.

But now to come to the particular *Charge* of this man, I must inform your *Lordships* the *occasion* and *nature* of this *offence*: There hath been published lately to the *World* a work of *Suarez*, a *Portugese*, a *Professor* in the *University* of *Coimbra*, a confident and daring Writer, such an one as *Tully* describes in derision; *Nihil tam verens, quam ne dubitare, aliqua de re, videretur: One that fears nothing but this, least he should seem to doubt of any thing.* A Fellow that thinks with his Magistrality, and Goose-quill, to give Laws and Mannages to *Crowns* and *Scepters*. In this *mans writing* this *Doctrine* of *deposing* and *murthering Kings*, seems to come to a higher elevation then heretofore; and it is more arted, and positived, then in others. For in the passages which your *Lordships* shall hear read anone, I find three *Assertions* which run not in the vulgar Tract, but are such as wherewith mens ears (as I suppose) are not much acquainted; whereof the first is, *That the* Pope *hath a superiority over Kings, as Subjects, to depose them; not only for Spiritual Crimes, as Heresie and Schisme, but for faults of a Temporal Nature; forasmuch as a Tyrannical Government tendeth ever to the destruction of Souls.* So by this Position, *Kings* of either *Religion* are alike comprehended, and none exempted. The second, that after a *Sentence* given by the *Pope*, this Writer hath defined of a Series, or succession or substitution of *Hangmen*, or *Burreo's* to be sure, least an *Executioner* should fail. His *Assertion* is, *That when a King is sentenced by the Pope to deprivation or death, the Executioner, who is first in place, is he to whom the Pope shall commit the Authority*, which may be a forreign Prince, it may be a particular *Subject*, it may be, in general, to the first undertaker. *But if there be no direction or assignation in the Sentence special nor general, then*, de Jure, *it appertains to the next Successor*: (A natural and pious Opinion; for commonly they are Sons, or Brothers, or near of Kin, all is one:) *So as the Successor be apparent, and also that he be a Catholick: But if he be doubtful.*

doubtful, or that he be no Catholick, then it devolves to the Commonalty of the Kingdom; so as he will be sure to have it done by one *Minister* or other. In the third, he distinguisheth of two kinds of Tyrants, *a Tyrant in Title*, and *a Tyrant in Regiment*; *The Tyrant in Regiment cannot be resisted or killed without a Sentence precedent by the* Pope; *but a Tyrant in Title may be killed by any private man whatsoever.* By which *Doctrine* he hath put the judgment of *Kings Titles* (which I will undertake are never so clean, but that some vain Quarrel or Exception may be made unto them;) upon the fancy of every *private man*; and also couples the Judgment and Execution together, that he may judge him by a Blow, without any other *Sentence*.

A Charge in the Star-Chamber *against* William Talbot.

Your *Lordships* see what *monstrous Opinions* these are, and how both these *Beasts*, the *Beast* with *seven Heads*, and the *Beast* with *many Heads*, *Pope* and people; are at once let in, and set upon the sacred *persons* of *Kings*.

Now to go on with the *Narrative*: There was an *Extract* made of certain *sentences* and *portions* of this *Book* (being of this nature that I have set forth) by a great *Prelate* and *Councellor* upon a just occasion; and there being some hollowness and hesitation in these matters (wherein it is a thing impious to doubt) discovered and perceived in *Talbot*, he was asked his Opinion, concerning these Assertions, in the presence of his *Majesty*: And afterward they were delivered to him, that upon advice, and *Sedato animo*, he might declare himself, whereupon, under his hand, he subscribes thus.

May it please your Honourable good Lordships; *Concerning this* Doctrine *of* Suarez, *I do perceive, by what I have read in his Book, that the same doth concern* matter of Faith, *the Controversie growing upon* Exposition *of* Scriptures *and* Councels, *wherein (being ignorant, and not studied) I cannot take upon me to judge; but I do submit mine Opinion therein to the judgment of the* Catholick Roman Church, *as in all other points concerning* Faith *I do*: *And for matter, concerning my Loyalty, I do acknowledge my* Soveraign Liege Lord King James, *to be lawful and undoubted King of all the* Kingdomes *of* England, Scotland, *and* Ireland; *and I will bear true Faith and Allegeance to his Highness, during my life.*

NOw (my *Lords*) upon these words I charge *William Talbot* to have committed a great offence, and such an one as if he had entred into a voluntary and malicious publication of the like writing, it would have been too great an offence for the *capacity* of this *Court*. But because it grew from a *Question* askt by a *Councel* of *Estate*, and so rather seemeth, in a favourable construction, to proceed from a kind of submission to answer, then from any malicious or insolent will, it was fit, according to the clemency of these times, to proceed in this manner before your *Lordships*: And yet let the *hearers* take these things right; for certainly, if a man be required by the *Lords* of the *Councel* to deliver his Opinion whether *King James* be King or no? and he deliver his Opinion that he is not, this is *High Treason*: But I do not say that

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that these words amount to that: And therefore let me open them truly to your *Lordships*, and therein open also, (it may be) the Eyes of the *Offender* himself, how far they reach.

My *Lords*, a Mans allegiance, must be Independant, not provisional, and conditional. *Elizabeth Barton*, that was called the *Holy Maid of Kent*, affirmed; *That if K. H.* 8. *Did not take* Katherine *of* Spain, *again to his Wife, within a twelve moneth, he should be no King*: And this was judged *Treason*. For though this Act, be Contingent and Future; yet *Treason* of *compassing* and imagining the *Kings* Destruction is present.

And in like manner, if a man should voluntarily publish or maintain; that whensoever a *Bull*, or *Deprivation* shall come forth against the *King*, that from thenceforth, he is no longer *King*: This is of like Nature, But with this I do not charge you neither: But this is the true *Latitude* of your *Words*; That if the *Doctrine* touching the *killing* of *Kings*, be *Matter* of *Faith*, that you submit your self to the Judgement of the *Catholick Roman Church*: So as now (to do you right) your *Allegiance* doth not depend simply upon a *Sentence* of the *Popes Deprivation*, against the *King*; But upon another point also; If these *Doctrines* be already, or shall be declared to be matter of *Faith*. But my *Lords* there is little won in this: There may be some Difference, to the guiltiness of the Party; But there is little to the danger of the *King*. For the same *Pope of Rome*, may with the same breath declare both. So as still upon the matter, the King is made but *Tenant at will*, of his *Life* and *Kingdomes*; And the *Allegiance* of his *Subjects*, is pinn'd upon the *Popes Act*. And certainly it is Time to stop the *Current* of this Opinion of acknowledgement of the *Popes* power, *in Temporalibus*; Or else it will supplant the Seat of *Kings*. And let it not be mistaken, that Mr. *Talbots* Offence should be no more, than the Refusing of the *Oath of Allegiance*. For it is one thing to be silent, and another thing to affirm. As for the Point of *Matter of Faith*, or not of *Faith*, To tell your *Lordships* plain, it would astonish a Man, to see the Gulf of this implyed *Belief*. Is nothing excepted from it? If a Man should ask Mr. *Talbot*, whether he do condemn *Murther*, or *Adultery*, or *Rape*, or the *Doctrine* of *Mahomet*, or of *Arius*, in stead of *Suarez*; Must the answer be with this exception, that if the Question concern matter of Faith, (as no question, it doth for the Moral Law is matter of *Faith*) That therein, he will submit himself, to what the *Church* shall determine? And no doubt, the *Murther* of *Princes*, is more then *Simple Murther*. But to conclude (*Talbot*) I will do you this Right and I will not be reserved in this, but to declare that, that is true; That you came afterwards to a better mind; Wherein, if you had been constant, the *King* out of his great goodness, was resolved not to have proceeded with you, in Course of Justice. But then again you *Started aside like a broken Bow*. So that by your Variety, and *Vacillation* you lost the acceptable time, of the first Grace, which was not to have convented you.

Nay, I will go farther with you. Your last *submission*, I conceive to be *Satisfactory* and *Compleat*; But then it was too late, the *Kings Honour* was upon it; It was published and the *Day* appointed for hearing: Yet what preparation that may be to the second pardon, that I know not: but I know, my *Lords*, out of their accustomed favour will admit you not only to your Defence, concerning that, that hath been *Charged*; But to extenuate your Fault, by any *Submission*, that now, *God* shall put, into your mind, to make.

The

A Charge against I. S. for scandalizing the Benevolence

The Charge *given by* Sr. Francis Bacon, his Majesties Atturney General, *against* Mr. *I. S. for Scandalizing, and Traducing in the publick* Sessions, *Letters sent from the* Lords *of the* Councel, *touching the* Benevolence.

MY *Lords*, I shall inform you *ore tenus*, against this Gentleman, Mr. I. S. A Gentleman (as it seemes) of an ancient *House*, and *Name*, But for the present, I can think of him by no other Name, than the Name of a great *Offender*. The *Nature* and *Quality* of his *Offence*, in sum is this. This *Gentleman*, hath upon advice, not suddenly by his *Pen*; Nor by the *Slip* of his *Tongue*; Not privately, or in a Corner, but publickly; as it were to the face of the *Kings Ministers* and *Justices*; Slandered and Traduced the *King* our *Soveraign*; The *Law* of the Land, the *Parliament*, and infinite *Particulars* of his *Majesties* worthy and loving *Subjects*. Nay, the Slander is of that Nature, that it may seem to interest the *People*, in Grief and Discontent against the *State*; whence might have ensued, Matter of Murmer and Sedition. So that it is not a Simple *Slander*, but a Seditious *Slander*, like to that, the *Poet* speaketh of —*Calamisque, armare Veneno.*

A *Venemous Dart*, that hath both *Iron*, and *Poyson*.

To open to your *Lordships* the true State of this *Offence*, I will set before you First the Occasion, whereupon Mr. *I. S.* wrought: Then the *Offence* it self in his own words: And lastly the *Points of his Charge.*

My *Lords*, you may remember that there was the last *Parliament*, an Expectation to have had the *King* supplyed with Treasure, although the Event failed. Herein, it is not fit for me to give opinion, of an *House* of *Parliament*, but I will give testimony of *Truth* in all places. I served, in the *Lower House*, and I observed somewhat. This I do affirm, that I never could perceive, but that there was in that *House*, a general Disposition to give, and to give largely. The *Clocks* in the *House*, perchance might differ; Some went too fast, some went too slow: But the Disposition to give, was general; So that I think, I may truely say; *Solo tempore lapsus Amor.*

This Accident, happening thus, besides expectation: It stirred up, and awaked in divers of his *Majesties* worthy servants, and *Subjects* of the *Clergy*, the *Nobility*, the *Court* and others here near at hand, an affection loving and cheerefull; to present the *King*, some with *Plate*, some with *Money*, as *Free will offerings* (a Thing that *God Almighty* loves a *Cheerfull Giver*, what an *Evil Eye* doth, I know not (And my *Lords*) let me speak it plainly unto you; God forbid any Body should be so wretched, as to think, that the Obligation of Love and Duty, from the *Subject*, to the King, should be Joynt and not several, No my *Lords*, it is both. The *Subject* petitioneth to the *King* in *Parliament*. He Petitioneth likewise, out of *Parliament*. The *King* on the other side, gives graces to the *Subjects* in *Parliament*: He gives them likewise and poureth them upon his *People* out of *Parliament*, and so no doubt the *Subject* may give to the *King* in *Parliament*, and out of *Parliament*. It is true the *Parliament*, is *Intercursus magnus*;

[illegible] *Intercourse* and main *Current* of *Graces*, and Donatives from the [illegible] to the *People*; from the *People* to the *King*: But *Parliaments* are held [illegible] certain times: Whereas the passages are alwayes open for Par[illegible]: Even as you see great *Rivers*, have their *Tides*; But particular [illegible] and *Fountains*, run continually.

To proceed therefore, as the Occasion (which was the failing of Supply by *Parliament*) did awake the Love and Benevolence of those, that were at hand to give: So it was apprehended and thought fit by my *Lords* of the *Council*, to make a proof whether the occasion and Example both, would not awake those in the Country of the better sort to follow. Whereupon, their *Lordships* devised and directed *Letters* unto the *Sheriffs* and *Justices*, which declared what was done here above, and wished that the Country might be moved, especially Men of value.

Now *my Lords*, I beseech you give me favour and attention, to set forth, and observe unto you five *Points*: I will number them because other Men may note them; and I will but touch them, because they shall not be drowned, or lost in discourse) which I hold worthy the observation, for the *Honour* of the *State*, and *Confusion* of *Slanders*: Whereby it will appear most evidently, what care was taken that that which was then done, might not have the effect, no nor the shew, no nor so much as the shadow of a *Tax*, and that it was so far from breeding or bringing in any ill president or Example, as contrarywise, it is a *Corrective*, that doth *Correct* and *allay* the Harshness and danger of former *Examples*.

The first is; That what was done, was done immediately after such a *Parliament*, as made general profession to give and was interrupted by accident; So as you may truely and justly esteem it; *Tanquàm Posthuma Proles Parliamenti*; as an *After Child* of the *Parliament*; and pursuit (in some small measure) of the firm Intent of a *Parliament* past. You may take it also if you will, as an Advance or Provisional Help, untill a Future *Parliament*: Or as a Gratification simply without any Relation to a *Parliament*; you can no wayes take it amisse.

The Second is, that it wrought upon Example; as a thing not devised, Or projected, or required; No nor so much as recommended untill many that were never moved nor dealt with *Ex mero motu*, had freely and frankly sent in their presents. So that the *Letters* were rather like *Letters* of Newes, what was done at *London* then otherwise: and we know *Exempla ducunt non trahunt*; *Examples they do but lead, they do not draw nor drive.*

The Third is, That it was not done by *Commission* under the *Great Seal*; a thing warranted by a Multitude of Presidents, both ancient, and of late time, as you shall hear anon; and no doubt warranted by *Law*; So that, the *Commissions*, be of that *Stile* and Tenour, that as they be to move, and not to levy: But this was done by *Letters* of the *Council* and no higher Hand, or Form.

The Fourth is, That these Letters had no more shew of any *Binding Act* of *State*. For they contain not any special Frame of Direction, how the *Businesse* should be Managed; But were written, as upon trust; leaving the matter wholly to the Industry and Confidence of those in the Country; So that it was an *absque Compoto*; Such a form of Letter as no Man could fitly be called to accompt upon.

The Fifth, and last *Point* is, that the whole *Carriage* of the *Business*, had no Circumstance *compulsory*. There was no Proportion, or Rate, set down not so much as by way of a *Wish* there was no Menace of any that should deny

No

No Reproof of any that did deny, no certifying of the *Names* of any, that had denied. Indeed, if Men could not content themselves to deny, but that they must censure, and inveigh; Nor to excuse themselves but they must accuse the *State*, that is another *Case*. But, I say, for Denying, no Man was apprehended, no nor noted. So that I verily think, that there is none so subtil a Disputer in the *Controversie* of *Liberum Arbitrium*, that can with all his Distinctions fasten or carp upon the *Act*, but that there was *Free will* in it.

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I conclude therefore (My *Lords*) that this was a *True* and *pure Benevolence*. Not an *Imposition* called a *Benevolence*, which the *Statute* speaks of; As you shall hear, by one of my *Fellows*. There is a great Difference I tell you (though *Pilate* would not see it,) between *Rex Judæorum, and se dicens Regem Judæorum*: And there is a great difference, between a *Benevolence* and an *Exaction*, called a *Benevolence*; which the *Duke* of *Buckingham* speaks of, in his *Oration* to the *City*: And defineth it, to be not what the Subject of his good will, would give, but what the *King* of his good will, would take. But this I say, was a *Benevolence* wherein every man had a *Princes* Prerogative, a *Negative Voice*: And this word (*Excuse me*) was a *Plea peremptory*. And therefore, I do wonder, how Mr. *I. S.* could foul or trouble, so clear a Fountain; Certainly, it was but his own Bitterness, and unsound Humours.

Now to the particular *Charge* amongst other *Countreys*, these Letters of the *Lords* came to the *Justices* of *D——shire*, who signified the Contents thereof; and give Directions, and appointments, for meetings concerning the business, to several *Towns* and Places, within that *County*: and amongst the rest, notice was given, unto the Town of *A*: the *Major* of *A*; conceiving, that this Mr. *I. S.* (being a Principall Person, and a *Dweller* in that *Town*) was a Man likely to give both money and good Example: Dealt with him, to know his mind. He intending (as it seemes) to play prizes, would give no answer, to the *Major* in private, but would take Time. The next day then being an appointment of the *Justices* to meet, he takes occasion or pretends occasion to be absent, because he would bring his *Papers* upon the *Stage*: and thereuppon, takes Pen in hand, and instead of excusing himself sets down and contriveth a seditious and libellious accusation against the *King* and *State*; which your *Lordships* shall now hear, and sends it to the *Major*: and withal, because the Feather of his Quill might fly abroad, he gives authority to the *Major* to impart it to the *Justices* if he so thought good. And now my *Lords*, because I will not mistake or misrepeat, you shall hear the *Seditious Libell*, in the proper terms and words thereof.

Here the Papers were read.

MY *Lords*, I know this *Paper* offends your Ears much, and the Eares of any good *Subject*: and sorry I am that the Times should produce Offences of this nature: But since they do I would be more sorry they should be passed without severe punishment: *Non tradite factum* (as the *Verse* hayes altered a little) *Aut si tradidis, Facti qui quetraditæ pœnam.* If any man have a mind to discourse of the Fact; let him likewise discourse of the punishment of the Fact.

In this *Writing* (*my Lords*) there appears a *Monster* with four *Heads*, of the progeny of him that is the *Father* of Lies and takes his *Name* from *Slander*.

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The first is a wicked and seditious Slander, Or, (if I shall use the *Scripture* phrase) a Blaspheming, of the *King* himself; setting him forth, for a *Prince*, perjured in the great and solemn *Oath* of his *Coronation*, which is as it were the Knot of the *Diadem*, A *Prince* that should be a *Violatour*, and *Infringer* of the *Liberties*, *Lawes*, and *Customes* of the *Kingdome*, a mark for an *H.* the 4th. A Match for a *R.* the 2d.

The Second is a *Slander* and *Falsification*, and *wresting* of the Law of the *Land*, grosse, and palpable, it is truly said by a Civilian, *Tortura Legum pessima*, the *Torture* of *Lawes*, is worse then the *Torture* of *Men.*

The third is a slander, and false charge of the *Parliament*, that they had denied to give to the *King* a point of notorious untruth.

And the last is a Slander and *Taunting* of an infinite Number of the *Kings* loving *Subjects*, that have given towards this *Benevolence* and *free Contribution*: Charging them as Accessary and Coadjutours, to the *Kings* Perjury. Nay you leave us not there, But you take upon you a *Pontifical Habit*, and couple your *Slander* with a *Curse*, but thanks be to *God*, we have learned sufficiently out of the *Scripture*, that *as the Bird flies away, so the causeless Curse shall not come*,

For the first of these, which concerns the *King*, I have taken to my self the opening and Aggravation thereof, the other three I have distributed to my *Fellowes.*

My *Lords*, I cannot but enter into this part with some Wonder and astonishment, How it should come into the Heart of a *Subject* of *England* to vapour forth such a wicked and venemous *slander* against the *King*, whose goodness, and Grace is comparable (if not incomparable) unto any the *Kings Progenitors.* This therefore gives me a Just and necessary occasion to do two Things. The one to make some Representation of his *Majesty*; Such as truely he is found to be in his Government, which Mr. *I. S.* chargeth with Violation of *Lawes*, and *Liberties.* The other to search and open the Depth of Mr. *I. S.* his Offence. Both which, I will do briefly; Because the one I cannot express sufficiently, And the other, I will not press too far.

My *Lords*, I mean to make no *Panegyrick* or *Laudative*: The *King* delights not in it, neither am I fit for it: But if it were but a *Councellor* or *Nobleman*, whose Name had suffered, and were to receive some kind of Reparation, in this *High-Court*, I would do him that Duty as not to pass his Merits and just Attributes, (especially such as are limitted with the present Case) in silence: For it is fit to burn Incence where evil Odours have been cast and raised. Is it so that *King James* shall be said to be a Violater of the *Liberties*, *Laws*, and *Customes* of his *Kingdomes*? Or is he not rather a noble, and Constant *Protector* and *Conservator*, of them all? I conceive this consisteth in maintaining *Religion*, and the *true Church*; in maintaining the *Lawes* of the *Kingdome*, which is the *Subjects Birth-right*; In *temperate use* of the *Prerogative*: In due, and free *Administration* of *Justice*, and Conservation of the *Peace* of the *Land.*

For *Religion*, we must ever acknowledge in the first place, that we have a *King*, that is the *Principal Conservator* of true *Religion* through the *Christian World.* He hath maintained it not only with *Scepter* and *Sword*, but likewise by his *Pen*, wherein also he is *Potent.*

He hath Awaked, and Reauthorised, the whole *Party* of the *Reformed Religion* throughout *Europe*: which through the Insolency and divers Artifices, and Inchantments, of the advers part, was grown a little Dull, and Dejected. He hath summoned the *Fraternity* of *Kings* to infranchise themselves,

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ſelves from the Uſurpation of the *See of Rome*. He hath made himſelf a *Mark of Contradiction for it*.

Neither can I omit, when I ſpeak of *Religion*, to remember that excellent *Act* of his *Majeſty*; which though it were done in a *Forraign Countrey*, yet the *Church* of *God* is one, and the *Contagion* of theſe things will ſoon paſs Seas and Lands: I mean, in his conſtant and holy proceeding againſt the *Heretick Vorſtius*, whom (being ready to enter into the *Chair*, and there to have authorized one of the moſt *peſtilent* and *Heatheniſh Hereſies* that ever was begun) His *Majeſty* by his conſtant oppoſition diſmounted, and pulled down. And I am perſwaded, there ſits in this *Court* one whom *God* doth the rather bleſſe for being his *Majeſties Inſtrument* in that Service.

I cannot remember *Religion* and the *Church*, but I muſt think of the *ſeed-plots* of the ſame, which are the *Univerſities*. His *Majeſty* as for Learning amongſt *Kings* he is incomparable in his Perſon; So likewiſe hath he been in his Government, a benign or benevolent *Planet* towards *Learning*. By whoſe influence thoſe Nurſeries, and Gardens of Learning, (the *Univerſities*) were never more in Flower, nor Fruit.

For the *Maintaining* of the *Lawes*, which is the Hedge and Fence about the *Liberty* of the *Subject*, I may truely affirm it was never in better repair. He doth concur with the Votes of the *Nobles*; *Nolumus Leges Angliæ mutare*. He is an Enemy of *Innovation*. Neither doth the Univerſality of his own Knowledge carry him to neglect or paſs over the very *Formes* of the *Lawes* of the *Land*. Neither was there ever *King* (I am perſwaded) that did conſult ſo oft with his *Judges*; As my *Lords* that ſit here know well. The *Judges* are a kind of *Councell* of the *Kings* by *Oath* and ancient *Inſtitution*; But he uſeth them ſo indeed, He confers regularly with them upon their Returns from their *Viſitations* and *Circuits*. He gives them Liberty, both to enform him, and to debate matters with him; And in the Fall and Concluſion, commonly relyeth on their Opinions.

As for the uſe of the *Prerogative*, it runs within the ancient *Channels*, and *Banks*; ſome Things that were conceived, to be in ſome Proclamations, Commiſſions, and Pattents, as Overflowes, have been by his Wiſedom and Care reduced; whereby, no doubt, the Main *Channel*, of his *Peerogative* is ſo much the ſtronger. For evermore *Overflowes* do hurt the *Channel*.

As for *Adminiſtration* of *Juſtice*, betweene Party and Party, I pray obſerve theſe points. There is no Newes, of *Great Seal*, or *Signet*, that flies abroad for Countenance or Delay of Cauſes: *Protections* rarely granted, and only upon great Ground, or by Conſent: My *Lords* here of the *Councel*, and the *King* himſelf, medled not (as hath been uſed in former times) with Matters of *Meum* and *Tuum*, except they have apparent mixture with Matters of *Eſtate*, but leave them to the *Kings Courts* of *Law*, or *Equity*. And for *Mercy* and *Grace* (without which there is no ſtanding, before *Juſtice*,) we ſee the *King* now hath raigned 12. years in his *White Robe*, without almoſt any Aſperſion of the *Crimſon Die* of *Blood*. There ſits my *Lord Hobert*, that ſerved Atturney ſeaven years I ſerved with him. We were ſo happy, as there paſſed not through our hands, any one *Arraignment* for *Treaſon*; And but one, for any *Capital Offence*, which was that of the *Lord Sanquier*; The *Nobleſt piece of Juſtice* (one of them) that ever came forth in any *Kings* Time.

As for *Penal Lawes*, which lie as Snares upon the *Subjects*: And which were

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were as a *Nemo scit*, to *King Henry 7.* It yeelds a Revenue that will scarce pay for the Parchment of the *Kings Records* at *Westminster*.

And lastly for *Peace*, we see manifestly, his *Majesty* bears some Resemblance of that great Name; *A Prince of Peace*: He hath preserved his *Subjects* during his *Raign* in *Peace*, both within and without. For the *Peace* with States abroad, we have it *usque ad Satietatem*: and for *Peace* in the *Lawyers phrase*, which count *Trespasses*, and *Forces*, & Riots to be *Contra pacem*; Let me give your Lordships this Token or Taste; That this *Court*, where they should appear, had never lesse to do. And certainly there is no better Sign of *Omnia bene*: than when this *Court* is in a Still.

But (my *Lords*) this is a Sea of Matter; And therefore I must give it over, and conclude; That there was never *King* raigned in this *Nation*, that did better keep Covenant, in preserving the Liberties, and procuring the Good of his People. So that I must needs say, for the *Subjects* of *England* *O Fortunatos nimium sua si bona norint*: as no doubt they do both know and acknowledge it: Whatsoever, a few turbulent Discourses may through the Lenity of the time take Boldnes to speak.

And as for this particular, touching the *Benevolence*, wherein Mr. *I. S.* doth assign this breach of Covenant; I leave it to others to tell you; what the *King* may do; Or what other *Kings*, have done: But I have told what our *King* and my *Lords* have done: Which I say, and say again, is so far from introducing a new President; as it doth rather correct and mollifie, and qualifie former Presidents.

Now (Mr. *I. S.*) let me tell you your fault in few words; For that I am perswaded, you see it already; Though I woo no Mans Repentance; But I shall as much as in me is, cherish it where I finde it. Your *Offence* hath three parts knit together,

Your *Slander*;
Your *Menace*; and
Your *Comparison*.

For your *Slander*, it is no lesse, than that the *King* is perjured in his *Coronation Oath*. No greater *Offence* than *Perjury*: No greater *Oath* than that of a *Coronation*. I leave it; It is too great to aggravate.

Your *Menace*, that if there were a *Bulling-broke*, or I cannot tell what there were Matter for him, is a very seditious passage. You know well, that howsoever *Henry the fourth* Act by a secret Providence of God prevailed, yet it was but an *Usurpation*: And if it were possible for such a one to be this day, (wherewith, it seemes your *Dreams* are troubled,) I do not doubt, his End would be upon the *Block*; And that he would sooner have the *Ravens* sit upon his *Head* at *London Bridge*, than the *Crown* at *Westminster*. And it is not your interlacing of your (*God forbid*) that will salve these seditious Speeches; Neither could it be a *Fore-warning*, because the Matter was past, and not revocable; But a very Stirring up, and Incensing of the People. If I should say to you (for Example) if these times were like some former times, of *King H.* 8. Or some other times, which God forbid, Mr. *I. S.* it would cost you your life. I am sure you would not think this to be a gentle warning, but rather that I incensed the *Court* against you.

And for your *Comparison* with *R.* the 2. I see you follow the Example of them that brought him upon the Stage, and into Print in *Queen Elizabeths*

herbs time a moſt prudent and admirable *Queen*; But let me entreat you that when you will ſpeak of *Queen Elizabeth* or *King James*; you would compare them to K. H. the 7th. or *K. Ed.* 1. Or ſome other *Parallels* to which they are like. And this I would wiſh both, you and all, to take heed of; How you ſpeak ſeditious Matter in *Parables* or by *Tropes*, or *Examples*. There is a thing in an *Indictment*, called an *Innuendo*, You muſt beware how you beckon or make ſigns upon the *King*, in a Dangerous ſenſe: But I will contain my ſelf and preſs this no further; I may hold you for Turbulent, or preſumptuous, but I hope you are not Diſloyal: You are graciouſly and mercifully dealt with. And therefore having now opened to my *Lords*, and (as I think) to your own Heart and Conſcience, the principal part of your *Offence*, (which concerns the *King*) I leave the reſt which concerns the *Law*, *Parliament*, and the *Subjects*; that have given to Mr. *Serjeants* and Mr. *Solliciter*.

A Charge in the King's Bench a-gainſt Owen.

The Charge *of* Owen, *indicted of High* Treaſon *in the* Kings *Bench*, *by* Sir Francis Bacon Knight, *his* Majeſties Attorney General.

THe *Treaſon* wherewith this *Man* ſtandeth Charged, is for the Kind and Nature of it *Ancient*; as *Ancient* as there is any *Law* of *England*: But in the particular, Late and Upſtart: and again, in the Manner, and boldneſs of the preſent Caſe, New and almoſt unheard of till this *Man*. Of what mind he is now I know not, but I take him as he was, and as he ſtandeth charged. For *High* Treaſon is not written in Ice; That when the *Body* relenteth, the *Impreſſion* ſhould go away.

In this Cauſe the *Evidence* it ſelf will ſpend little Time: Time therefore, will be beſt ſpent in opening fully the Nature of this *Treaſon*, with the Circumſtances thereof, Becauſe the *Example* is more than the *Man*. I think good therefore by way of Inducement and Declaration in this Cauſe to open unto the *Court* and *Hearers* five Things.

The firſt is the Clemency of the *King*; Becauſe it is Newes, and a kind of Rarity to have a proceeding in this place upon *Treaſon*: and perhaps it may be marvelled by ſome, why after ſo long an Intermiſſion it ſhould light upon this *Felon*: Being a perſon but contemptible, a kind of venemous fly; and a Hang by of the Seminaries.

The Second is, the Nature of this *Treaſon*, as concerning the *Fact*, which of all kinds of compaſſing the *Kings* Death I hold to be the moſt perilous; and as much differing from other Conſpiracies, as the lifting up of a two Hands againſt the *King* (like the *Giant Bryarius*) differs from lifting up one or a few Hands.

The Third point that *I* will ſpeak unto is the *Doctrine* or *Opinion*, Which is the ground of this *Treaſon*; Wherein *I* will not argue or ſpeak, like a Divine or Scholler; But as a Man bred in a Civil Life: and to ſpeak plainly, *I* hold the Opinion to be ſuch that deſerveth rather Deteſtation than Confutation.

The Fourth point is the Degree of this Mans *Offence*; which is more pre-

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presumptuous, than I have known any other to have fallen into this kind: and hath a greater overflow of *Malice* and *Treason*.

And Fifthly, I will remove somewhat that may seem to qualifie and extenuate this *Mans Offence*; in that he hath not affirmed simply that it is lawfull to kill the King, but conditionally; that if the *King* be *Excommunicate*, it is lawfull to kill him, which maketh little Difference, either in Law or Peril.

For the *Kings Clemency*, I have said it, of late upon a good Occasion; And I still speak it with comfort: I have now served his *Majesty Soliciter* and *Attorney* eight yeares and better: yet this is the first time that ever I gave in Evidence against a *Traytor* at this *Barr* or any other. There hath not wanted Matter in that party of the *Subjects* whence this kind of *Offence* floweth to irritate the *King*: He hath been irritated by the *Powder Treason*, which might have turned Judgement into Fury. He hath been irritated by wicked and monstrous *Libels*; Irritated by a general Insolency and presumption in the *Papists* throughout the Land; and yet I see his *Majesty* keepeth *Cæsars* Rule: *Nil malo, quam eos esse similes sui, & me mei. He leaveth them to be like themselves*; and he remaineth like himself; and striveth to overcome Evil with goodness. A strange thing Bloudy Opinions, Bloudy Doctrines, Bloudy Examples, and yet the *Government* still unstained with *Bloud*. As for this *Owen* that is brought in question, though his Person be in his Condition contemptible; yet we see by miserable *Examples*; That these Wretches which are but the Scum of the Earth, have been able to stir *Earth-quakes* by *Murthering* of *Princes*: And if it were in case of Contagion; (as this is a Contagion of the Heart and Soul;) a Rascal may bring in a Plague into the *City*, as well as a great *Man*: So it is not the *Person*, but the *Matter* that is to be considered.

For the *Treason* it self, which is the second Point, my Desire is to open it in the Depth thereof if it were possible, But it is bottomlesse: and so the *Civil Law* saith, *Conjurationes omnium proditionum odiosissimæ*. Against Hostile Invasions, and the adherence of *Subjects*, to *Enemies*, *Kings* can arm: *Rebellions*, must go over the Bodies of many good *Subjects* before they can hurt the *King*: but *Conspiracies* against the *Persons* of *Kings*, are like *Thunder-bolts* that strike upon the suddain, hardly to bee avoided. *Major metus à singulis* (saith he) *quam ab universis*. There is no *Preparation* against them. And that *Preparation*, which may be of Guard or Custody, is a perpetuall Misery. And therefore, they that have written of the *Priviledges* of *Ambassadours*, and of the *Amplitude* of *Safe-Conducts*, have defined; That if an *Ambassadour* or a Man that cometh in upon the highest *safe Conducts*, do practise Matter of *Sedition* in a *State*, yet by the *Law* of *Nations*, he ought to be remanded: But if he conspire against the *Life* of a *Prince*, by violence or Poyson, he is to be justiced: *Quia odium est omni Privilegio Majus*. Nay even amongst Enemies, and in the most deadly Wars, yet nevertheless Conspiracy and Assassinate of Princes, hath been accounted villanous and execrable.

The *Manners* of *Conspiring* and *Compassing* the *Kings Death*, are many: But it is most apparent, that amongst all the rest, this surmounteth. First because it is grounded upon pretenced *Religion*; which is a *Trumpet*, that enflameth the *Heart* and *Powers* of a Man with Daring and Resolution, more than any thing else. Secondly it is the hardest to be avoided; For when a particular *Conspiracy* is plotted or attempted against a *King* by some one or some few *Conspiratours*, it meets with a number of impediments.

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Commonly, he that hath the *Head* to deviſe it, hath not the *Heart* to undertake it: And the *Perſon* that is uſed, ſometime faileth in *Courage*, ſometime faileth in *Opportunity*, ſometimes is touched with *Remorce*. But to publiſh and maintain that it may be lawfull for any Man living to attempt the Life of a *King*, this Doctrine is a Venomous Sop; Or as a *Legion of Malign Spirits*; Or an univerſal temptation doth enter at once into the Hearts of all that are any way prepared or of any Prediſpoſition to be *Traytors*: So that whatſoever faileth in any one, is ſupplied in many: If one *Man* faint, another will dare If one man hath not the oportunity, another hath: If one man Relent another will be Deſperate. And Thirdly particular *Conſpiracies*, have their *Periods* of *Time*, within which, if they be not taken, they vaniſh, But this is endleſs and importeth Perpetuity of ſpringing Conſpiracies. And ſo much concerning the *Nature* of the *Fact*.

For the *Third Point*, which is the *Doctrine*; that upon an *Excommunication* of the *Pope*, with *ſentence of Depoſing*; a *King* by any *Son of Adam* may be ſlaughtered; and that it is *Juſtice*, and no *Murther*; and that their *Subjects* are abſolved of their *Allegiance*; And the *Kings* themſelves expoſed to *ſpoyl* and *Prey*. I ſaid before that I would not argue the ſubtilty of the *Queſtion*: It is rather to be ſpoken to, by way of Accuſation of the Opinion as Impious; then by way of diſpute of it as Doubtfull. Nay I ſay, it deſerveth rather, ſome *Holy-war*, or *League*, amongſt all *Chriſtian Princes*, of either *Religion*, for the extirpating and Razing of the Opinion, and the Authors thereof, from the face of the Earth; then the Stile of Pen, or Speech. Therefore in this kind I will ſpeak to it, a few words and not otherwiſe. Nay, I proteſt if I were a *Papiſt* I ſhould ſay as much: Nay, I ſhould ſpeak it perhaps with more Indignation and Feeling. For this *Horrible* Opinion, is our Advantage, and it is their Reproach, and will be their Ruine.

This *Monſter* of *Opinion* is to be accuſed of three moſt evident and moſt miſerable *Slanders*.

Firſt, of the Slander it bringeth to the *Chriſtian Faith*, being a plain plantation of *Irreligion and Atheiſm*.

Secondly, the *Subverſion* which it introduceth into all Pollicy and Government.

Thirdly, the great Calamity it bringeth upon *Papiſts* themſelves, of which the more moderate ſort, as men miſled, are to be pitied.

For the Firſt, if a man doth viſit the foul, and polluted Opinions, Cuſtomes, or practiſes of *Heatheniſm*, *Mahometiſm*, and *Hereſie*, he ſhall find they do not attain to this *Height*. Take the Examples of damnable Memory, amongſt the *Heathen*. The Proſcriptions in *Rome* of *Sylla*; and afterwards of the *Triumvirs*, what were they? They were but of a finite Number of Perſons, and thoſe not many that were expoſed unto any Mans Sword. But what is that to the proſcribing of a *King*, and all that ſhall take his part? And what was the reward of a *Souldier* that amongſt them, killed one of the proſcribed? a ſmall piece of *money*: but what is now the reward of one that ſhall kill a *King*? The *Kingdom of Heaven*. The cuſtome among the *Heathen*, that was moſt ſcandalized was, that ſometimes the *Prieſt* ſacrificed Men; but yet you ſhall not read of any *Prieſthood* that ſacrificed *Kings*.

The *Mahometans*, make it a part of their *Religion* to propogate their *Sect* by the *Sword*, but ſtill by honourable *Wars*, never by Villanies and ſecret Murthers. Nay, I find that the *Saracen Prince* of whom the name of the *Aſſaſſins*, is derived; which had divers Votaries at Commandement, which he ſent and imployed to the killing of divers Princes in the Eaſt; (by one of

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whom *Amurath* the first was slain; And *Edward* the First of *England* was wounded) was put down and rooted out by a common Consent of the *Mahometan Princes.*

The *Anabaptists* (it is true) come neerest. For they professe the pulling down of *Magistrates*; and they can chaunt the Psalm, *To bind their Kings in Chaines, and their Nobles in fetters of Iron.* This is the Glory of the *Saints*, much like the *Temporal Authority*, that the Pope Challengeth over *Princes.* But this is the difference, that that is a Furious and Fanatical Fury, and this is a sad and solemn Mischief *He imagineth mischief as a Law*; A Law-like Mischief.

As for the *Defence* which they do make, it doth aggravate the sin; And turneth it from a *Cruelty* towards *Man* to a *Blasphemy* towards *God.* For to say that all this is *in ordine ad spirituale*; And to a *good End*, and for the *salvation of Souls*; It is directly to make *God Author of Evil*, and to draw him into the likenesse of the *Prince of Darknesse*, and to say with those that *Saint Paul* speaketh of, *Let us do Evil, that good may come thereof.* Of whom the *Apostle* saith definitively; *that their damnation is just.*

For the *Destroying* of *Government* universally it is most evident, that it is not the Case of *Protestant Princes* only, but of *Catholick Princes* likewise: As the *King* hath excellently set forth. Nay it is not the Case of *Princes* only, but of all *Subjects* and private Persons. For touching *Princes*, let History be perused, what hath been the Causes of *Excommunication*, and namely, this Tumour of it, (the *Deposing* of *Kings*,) It hath not been for *Heresie* and *Schism* alone, but for *Collation* and *Investitures* of *Bishopricks* and *Benefices*, *Intruding* upon *Ecclesiastical Possessions*, *violating* of any *Ecclesiastical Person*, or *Liberty.* Nay generally, they maintain it that it may be for any sin: So that the Difference wherein their Doctors vary; That some hold that the Pope hath his *Temporal power immediately*, and others but *in ordine ad spirituale*, is but a Delusion and an Abuse. For all commeth to one. What is there that may not be made spiritual by Consequence; specially, when He that giveth the Sentence, may make the Case; and accordingly hath the miserable Experience followed. For this *Murthering* of *Kings*, hath been put in practise, as well against *Papist Kings*, as *Protestants.* Save that it hath pleased *God*, so to guide it by his admirable providence; as the Attempts upon Papist Princes have been executed, and the Attempts upon *Protestant Princes* have failed, except that of the *Prince* of *Aurange.* And not that neither, untill such time as he had joyned too fast, with the *Duke of Anjou*, and the *Papists.*

The rest is wanting.

The Charge *of* Sr. Francis Bacon, *the* Kings Atturney General, *against* M. *L. S. W. and H. I. for Scandal, and Traducing of the* Kings Justice *in the proceedings against* Weston: *In the* Star-Chamber, 10. Novemb. 1615.

THe *Offence*, wherewith I shall charge the three *Offenders* at the *Bar*, is a *Misdemeanour* of a high nature; tending to the defacing, and scandal of *Justice*, in a great *Cause Capital.* The particular *Charge* is this.

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The *King* amongſt many his Princely vertues, is knowm to excel in that proper vertue of the *Imperial Throne*, which is *Juſtice*. It is a *Royal Vertue* which doth employ the other three *Cardinal Vertues* in her Service. *Wiſdome* to diſcover, and *diſcern* Nocent or Innocent: *Fortitude* to proſecute and execute: *Temperance*, ſo to carry *Juſtice*, as it be not paſſionate in the purſuit, nor confuſed in involving *perſons* upon light ſuſpicion; Nor precipitate in time. For this his *Majeſties* Vertue of *Juſtice*, *God* hath of late raiſed an occaſion, and erected as it were a Stage or Theater much to his Honour, for him to ſhew it, and act it in the purſuit of the untimely Death of *Sir Thomas Overbury*; and therein cleanſing the *Land* from *Bloud*. For (*my Lords*) if *Bloud* ſpilt, Pure, doth cry to *Heaven* in *Gods* Eares, much more *Bloud defiled* with *Poyſon*.

This great work of his *Majeſties Juſtice*, the more excellent it is, your *Lordſhips* will ſoon conclude the greater is the *Offence* of any that have ſought to Affront it, or Traduce it. And therefore, before I deſcend unto the *Charge* of theſe *Offenders*, I well ſet before your *Lordſhips*, the weight of that which they have ſought to impeach: Speaking ſomewhat of the general *Crime* of *Impoyſonment*; and then of the particular *Circumſtances* of this *Fact*, upon *Overbury*: And thirdly, and chiefly, of the *Kings* great and worthy Care and Carriage in this Buſineſs.

This *Offence* of *Impoyſonment*, is moſt truly figured in that Deviſe or Deſcription, which was made of the Nature of one of the *Roman Tyrants* that he was *Lutum Sanguine maceratum*; *Mire mingled or cemented with Bloud*: For as it is one of the higheſt *Offences* in *Guiltineſs*; So it is the Baſeſt of all others in the *Mind* of the *Offenders*. Treaſons, *Magnum aliquid ſpectant*: They aym at great things; But this is vile and baſe. I tell your *Lordſhips*, what I have noted, that in all *Gods* Book, (both of the *Old* and *New Teſtament*) I find Exampbes of all other *Offences* and *Offendours* in the *world*, but not any one of an *Impoyſonment*, or *Impoyſoner*. I find mention of Fear caſual *Impoyſonment*, when the *Wild Vine* was ſhred into the Pot, they came complaining in a fearfull manner; *Mors in olla*. And I find mention of Poyſons of Beaſts, and Serpents; *The Poyſon of Aſpes is under their lips*. But I find no Example in the *Book of God* of *Impoyſonment*. I have ſomewhat thought of the *Words* in the *Pſalm*; *Let their Table be made a Snare*: Which certainly is moſt true of *Impoyſonment*: For the *Table*, the *daily Bread*, for which we pray, is turned to a deadly Snare: But I think rather that that was meant of the *Treachery* of *Friends*, that were participant of the ſame *Table*.

But let us go on. It is an *Offence* (*my Lords*) that hath the two *Spurs* of *Offending*: *Spes Perficiendi*, and *Spes Celandi*. It is eaſily *committed*, and eaſily *concealed*.

It is an *Offence*, that is *Tanquam Sagitta nocte volans*; It is the *Arrow* that *flies by night*. It diſcerns not whom it hits: For many times the *Poyſon* is laid for one, and the other takes it: As in *Sanders* Caſe, where the *Poyſoned Apple* was laid for the *Mother* and was taken up by the *Child*, and killed the *Child*. And ſo in that notorious caſe, whereupon the *Statute* of 22. *H.* 8. *Cap.* 9. was made; where the Intent being to poyſon, but one or two; Poyſon was put into a little Veſſel of Barm, that ſtood in the Kitchin of the *Biſhop* of *Rocheſters Houſe*; Of which Barm Pottage, or Gruel, was made wherewith 17. of the *Biſhops Family* were *Poyſoned*: Nay Divers of the *Poor*, that came to the *Biſhops Gate*, and had the broken Pottage in Alms, were likewiſe *Poyſoned*: and therefore if any Man, will comfort himſelf or think with himſelf, here is

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great Talk of *Impoyſonment*, I hope I am ſafe, For I have no Enemies; Nor I have nothing that any Body ſhould long for; why? that is all one For he may ſit at *Table* by one for whom *Poyſon* is prepared and have a *Drench* of his *Cup*, or of his *Pottage*. And ſo as the Poet ſaith; *Concidit infelix alieno vulnere*; He may die another Mans Death. And therefore it was moſt gravely, and judiciouſly, and properly provided by that *Statute*, That *Impoyſonment* ſhould be *High Treaſon*; Becauſe whatſoever *Offence* tendeth to the utter Subverſion and Diſſolution of Humane Society is in the nature of *High Treaſon*.

Laſtly, it is an *Offence* that I may truely ſay of it; *Non eſt noſtri Generis, nec Sanguinis*. It is (Thanks be to *God*) rare in the *Iſle* of *Britany*: It is neither of our *Country*, nor of our *Church*; you may find it in *Rome* or *Italy*. There is a *Region* or perhaps a *Religion* for it: And if it ſhould come amongſt us, certainly, it were better living in a *Wilderneſs* than in a *Court*.

For the particular *Fact* upon *Overbury*. Firſt for the *Perſon* of Sir *Thomas Overbury*: I knew the Gentleman. It is true, his mind was great, but it moved not in any good Order; yet certainly it did commonly fly at good Things. And the greateſt Fault that I ever heard by him was that he made his *Friend* his *Idol*. But I leave him as Sir *Thomas Overbury*.

But then take him as he was the *Kings Priſoner* in the *Tower*; And then ſee how the Caſe ſtands. In that place, the *State* is as it were Reſpondent to make good the *Body* of a *Priſoner*. And if any thing happen to him there, it may (though not in this Caſe, yet in ſome others) make an Aſperſion and Reflexion upon the *State* it Self. For the *Perſon* is utterly out of his own Defence; His own Care and Providence, can ſerve him nothing. He is in Cuſtody and preſervation of *Law*. And we have a *Maxime* in our *Law*, (as my *Lords* the *Judges know*) that when a *State* is in preſervation of *Law*, nothing can deſtroy it, or hurt it. And *God* forbid but the like ſhould be, for the *Perſons* of thoſe that are in *Cuſtody* of *Law*, and therefore this was a *Circumſtance* of great *Aggravation*.

Laſtly, to have a Man chaſed to Death in ſuch manner (as it appears now by Matter of *Record*; For other Privacy of the Cauſe I know not) By *Poyſon* after *Poyſon*, firſt *Roſeaker*, then *Arſenick*, then *Mercury Sublimate*, then *Sublimate* again; It is a Thing would aſtoniſh Mans nature to hear it. The *Poets* faign, that the *Furies* had whips that they were corded with *Poyſonous Snakes*; and a Man would think that this were the very Caſe, to have a Man tied to a Poſt, and to ſcourge him to Death with *Snakes*: For ſo may truly be termed *Diverſity* of *Poyſons*.

Now I will come unto that which is the *Principal*; That is, his *Majeſties Princely*, yea, and as I may truely term it, *Sacred* proceeding in this Cauſe. Wherein I will firſt ſpeak of the *Temper* of his *Juſtice*, and then of the *Strength* thereof.

Firſt it pleaſed my *Lord Chief Juſtice* to let me know; (That which I heard with great Comfort) which was the *Charge* that his *Majeſty* gave to himſelf firſt, and afterwards to the *Commiſſioners* in this Caſe, worthy certainly to be written in *Letters* of *Gold*, wherein his *Majeſty* did forerank and make it his prime Direction that it ſhould be carried without touch to any that was innocent. Nay more, not onely without *Impeachment*, but without *Aſperſion*: which was a moſt *Noble*, and *Princely* Caution, from his *Majeſty*, For Mens Reputations are tender Things; And ought to be like *Chriſts Coat*, without *Seam*. And it was the more to be reſpected in this

this Case because it met with two great *Persons*; a *Noble Man* that his *Majesty* had favoured and advanced; and his *Lady* being of a Great and Honourable House: Though I think it be true, that the Writers say, that there is no *Pomegranate*, so fair or so sound but may have a perished *Kernel*. Nay I see plainly that in those excellent *Papers* of his *Majesties* own Hand writing being as so many Beams of *Justice* issuing from that Vertue which doth shine in him; I say, I see it was so evenly carried without prejudice, (whether it were a true Accusation of the one part, or a Practise or a false accusation on the other) as shewed plainly that his Majesties Judgement was *tanquam Tabula Rasa*, as a clean pair of *Tables*; and his Ear *tanquam Janua aperta*, as a Gate not side open but wide open to Truth, as it should be by little and little discovered. Nay I see plainly, that at the first (till further Light did break forth) his *Majesty*, was little moved with the first *Tale*, which he vouchsafeth not so much, as the Name of a *Tale*; But calleth it a *Rumour*, which is an *Headless Tale*.

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As for the Strength or Resolution, of his *Majesties Justice* I must tell your *Lordships* plainly. I do not marvel to see *Kings* thunder out *Justice* in Cases of *Treason*, when they are touched themselves; And that they are *Vindices Doloris propri*: But that a *King* should *pro Amore Justitiæ* only, Contrary to the *Tide* of his own *Affection*, for the preservation of his people take such Care of a Cause of *Justice*, that is rare and worthy to be celebrated far and near. For, I think, I may truly affirm that there was never in this *Kingdom*, nor in any other *Kingdom* the *Blood* of a private Gentleman vindicated, *Cum tanto motu Regni*, or to say better *Cum tanto Plausu Regni*. If it had concerned, the *King* or *Prince* there could not have been greater nor Better *Commissioners* to examine it. The *Term* hath been almost turned into a *Justitium* or *Vacancy*: The *People* themselves: being more willing to be Lookers on in this Business, then to follow their own. There hath been no care of *Discovery* omitted, no *moment* of *Time* lost. And therefore I will conclude this Part, with the saying of *Solomon*, *Gloria Dei celare rem*, *& gloria Regis Scrutari rem*. And his Majesties Honour, is much the greater for that he hath shewed to the World in this Business as it hath Relation to my *Lord of Sommerset*, (whose Case in no sort I do prejudge, being ignorant of the Secrets of the Cause but taking him as the Law takes him hitherto for a *Suspect*) I say the *King* hath to his great Honour, shewed that were any Man in such a Case of Blood, as the *Signet upon his Right Hand* (as the *Scripture* sayes) yet would He put him off.

Now will I come to the particular *Charge* of these Gentlemen, whose *Qualities* and *Persons* I respect and love: For they are all my particular Friends: But now I can only do this duty of a Friend to them to make them know their fault to the Full.

And therefore first I will by way of *Narrative*, declare to your *Lordships* the *Fact*, with the occasion of it: Then you shall have their *Confessions* read, upon which you are to proceed: Together with some *Collateral Testimonies* by way of Aggravation: And Lastly I will note and observe to your *Lordships* the *Material points*, which I do insist upon for their *Charge*: and so leave them to their *Answer*. And this I will do very briefly for the Case is not perplexed.

That wretched Man *Weston* who was the *Actor* or *Mechanical Party*, in this *Imposture*, at the first day being indicted by a very substantial Jury of

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of Selected *Citizens*, to the number of 19. who found *Billa vera*, yet nevertheleſs at the firſt ſtood mute. But after ſome dayes intermiſſion, it pleaſed *God* to *Caſt out the Dumb Devil*; and that he did put himſelf upon his Tryal; And was by a Jury alſo of great value upon his Confeſſion, and other Teſtimonies, *found guilty*. So as 31. ſufficient *Jurours* have paſſed upon him; whereupon Judgment and Execution, was awarded againſt him. After this, being in preparation for another *World*, he ſent for Sr. *Thomas Overburies Father*, and falling down upon his knees, with great Remorce, and Compunction, asked him forgiveneſs. Afterwards again, of his own Motion, deſired to have his like prayer of forgiveneſs, recommended to his *Mother* who was abſent. And at both times, out of the *abundance of his Heart*, Confeſſed that he was to die juſtly, and that he was worthy of *Death*. And after again at his Execution (which is a kind of ſealing time of Confeſſions) even at the point of *Death* (although there were Tempters about him, as you ſhall hear by and by) yet he did again, confirm publickly, that his *Examinations* were true; and that he had been juſtly, and honourably dealt with. Here is the Narrative, which enduceth the *Charge*. The *Charge* it ſelf is this.

M. L. Whoſe Offence ſtands alone ſingle (the *Offence* of the other two being in conſort; and yet all three meeting in their End and Center, which was to interrupt or deface this Excellent piece of *Juſtice*) M. L. (I ſay) mean while, between *Weſtons* ſtanding mute, and his Tryal, takes upon him to make a moſt falſe, Odious, and Libellious Relation, containing as many Untruths, as Lines, and ſets it down in writing with his own Hand; And delivers it to Mr. *Henry Gibb*, of the *Bed-chamber*, to be put into the *Kings* Hand. In which writing, he doth falſifie and pervert, all that was done the firſt day, at the *Arraignment* of *Weſton*; Turning the Pike, and Point of his Imputations, principally, upon my *Lord Chief Juſtice* of *England*. Whoſe Name (thus occurring) I cannot paſs by, and yet I cannot skill to flatter. But this I will ſay of him, and I would ſay as much to Ages, If I ſhould write a ſtory: *That never mans perſon and his place, were better met in a Buſineſs, then my Lord Cook and my Lord Chief Juſtice in the Cauſe of* Overbury.

Now *my Lords*, in this *Offence of M. L.* For the particulars of theſe *ſlanderous Articles*, I wil obſerve them unto you when the *Writings* and *Examinations* are read, For I do not love to ſee the *Gloſs* before the Text. But in general I note to your *Lordſhips*, Firſt the *perſon* of M. L. I know he is a *Scottiſh Gentleman*, and thereby more ignorant of our *Lawes* and *Formes*. But I cannot tell, whether this doth extenuate his *Fault* in reſpect of *Ignorance*; Or aggravate it much in reſpect of *Preſumption*; That he would meddle in that that he underſtood not: But I doubt, it came not out of his Quiver; Some other Mans *Cunning* wrought upon this Mans *Boldneſſe*. Secondly I may note unto you the Greatneſs of the *Cauſe*, Wherein he being a private mean Gentleman did preſume to deal. M. L. could not but know to what great, and grave *Commiſſioners* the *King* had committed this *Cauſe*: And that his Majeſty in his Wiſedome, would expect return of all things, from them to whoſe truſt he had committed this Buſineſs. For it is the part of *Commiſſioners*, as well to report the Buſineſs as to mannage the Buſineſs; and then his *Majeſty*, might have been ſure to have had all things well weighed and truly informed: And therefore it ſhould have been far from M. L. to have preſumed, to have put forth his Hand, to ſo high, and tender a Buſineſs; which was not to be touched, but by Employed Hands. Thirdly, I note to your *Lordſhips*, that this

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this *Infusion* of a *Slander* into a *Kings* Ear, is, of all *Formes* of *Libels*, and *Slanders* the worst. It is true, that *Kings* may keep secret their Informations and then no Man ought to enquire after them, while they are shrined in their Breast. But where a *King is* pleased, that a Man shall answer, for his false *Information* there I say, the false *Information* to a *King*, exceeds in Offence, the false Information of any other kind; Being a kind (since we are in matter of Poyson,) of *Impoysonment* of a *Kings* Ear. And thus much for the *Offence* of M. *L.*

For the *Offence* of S. *W.* and *H. I.* which I said was in consort, it was shortly this. At the *Time* and *Place* of the *Execution* of *Weston*; To supplant his *Christian Resolution*, and to *Scandalize the Justice* already past, and perhaps to cut off the thread of that which is to come; These Gentlemen with others came mounted on Horseback; And in a Ruffling and Facing manner, put themselves forward to re-examine *Weston* upon *Questions*; and what *Questions*? Directly cross to that, that had been tryed, and judged: for what was the point tried? That *Weston* had *poysoned Overbury*: What was S. *W. Question*; *whether Weston did poyson Overbury or not? a Contradictory* directly: *Weston* answered only, *that he did him wrong*: And turning to the *Sheriff* said, You promised me, *I should not be troubled at this time.* Nevertheless he pressed him to answer saying, *He desired to know it, that he might pray with him.* I know not that S. *W.* is an *Ecclesiastick*, that he should cut any man from the Communion of Prayer: And yet for all this vexing of the Spirit of a poor Man, now in the Gates of Death; *Weston* nevertheless, stood constant, and said; *I die not unworthily*: My *Lord Chief Justice*, *hath my mind under my hand*, *and he is an honourable and just judge.* This is S. *W.* his offence.

For *H. I.* he was not so much a *Questionist*, but wrought upon the others *Questions*, and like a kind of *Confessor*, wished him to discharge his Conscience, and to satisfie the *World*. What *World* I marvail? It was sure the *World at Tyburn*: For the *World* at *Guild-Hall*, and the *World* at *London* was satisfied before; *Teste* the *Bells* that rang: But men have got a fashion now a dayes, that two or three busie Bodies, will take upon them the Name of the *World*; And broach their own Conceits, as if it were a general Opinion: Well, what more? When they could not work upon *Weston* then *H. I.* in an indignation, turned about his Horse (when the other was turning over the Ladder) and said, he was sorry of such a Conclusion: that was to have the *State* honoured or justified; But others took and reported his words in another degree: but that I leave, seeing it is not *Confessed.*

H. I. his *Offence* had another appendix, before this in time; which was that at the day of the *Verdict* given up by the *Jury*, he also would needs give his *Verdict*, saying openly that if he were of the *Jury*, he would doubt what to do. Marry (he saith) he cannot tell well, whether he spake this before the Jury had given up the *Verdict* or after; Wherein there is little gained. For whether *H. I.* were a Pre-Jurour or a Post, Jurour; The one was as to *prejudge* the *Jury*, the other as to taint them.

Of the *Offence* of these two Gentlemen in general your *Lordships* must me leave to say, that it is an *Offence* greater and more dangerous than is conceived. I know well that as we have no *Spanish Inquisitions*, nor *Justice* in a *Corner*; So we have no *Gagging* of Mens *Mouths*, at their *Death*; But that they may speak freely at the last hour, but then it must come from the free motion of the *Party*, not by Temptation of *Questions.* The *Questions* that are to be asked ought to tend to further revealing of their own or others guiltiness, but to use a *Question* in the Nature of a false *Interro-*

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gatory, to falſifie that which is *Res judicata* is intollerable. For that were to erect a *Court*, or *Commiſſion* of *Review* at *Tyburn*, againſt the *Kings Bench* at *Weſtminſter*. And beſides, it is a thing vain and idle: For if they anſwer according to the Judgement paſt, it adds no credit; Nor if it be contrary, it derogateth nothing. But yet, it ſubjecteth the *Majeſty* of *Juſtice*, to popular and vulgar Talk and opinion.

My *Lords*, theſe are great and dangerous Offences; For if we do not maintain *Juſtice*, *Juſtice* will not maintain us.

But now your *Lordſhips* ſhall hear, the *Examinations* themſelves, upon which, I ſhall have occaſion to note ſome particular Things, &c.

The Effect of that which was ſpoken by the Lord Keeper *of the* Great Seal of England, *at the taking of his place in* Chancery; *In performance of the* Charge, *his* Majeſty *had given him when he received the* Seal, 1617.

BEfore I enter into the *Buſineſs* of the *Court*, I ſhall take advantage of ſo many *Honourable witneſſes*, to publiſh, and make known ſummarily, what *charge* the *Kings* moſt excellent *Majeſty* gave me, when I received the *Seal*, and what Orders and Reſolutions my Self have taken in Conformity to that *charge*, that the *King* may have the Honour of Direction; And I the part of Obedience: Whereby, *Your Lordſhips* and the reſt of the *Preſence* ſhall ſee the whole Time of my ſitting in the *Chancery*, (which may be longer or ſhorter, as pleaſe *God* and the *King*) contracted into one Hour. And this I do, for three Cauſes,

Firſt to give account to the *King* of his *Commandement*.

Secondly, that I may be a guard and *Cuſtody* to my ſelf, and my own Doings; That I do not ſwerve or recede from any Thing that I have profeſſed, in ſo *Noble Company*.

And thirdly, that all men, that have to do with the *Chancery*, or the *Seal*, may know, what they ſhall expect; And both ſet their Hearts, and my Ears at reſt; Not moving me to any Thing againſt theſe *Rules*: Knowing that my Anſwer is now turned from a *Nolumus*, into a *Non poſſumus*. It is no more, *I will not*, but *I cannot* after this Declaration.

And this I do alſo under three *Cautions*.

The firſt is, that there be ſome things of a more Secret, and Counſel like, Nature, which are rather to be *Acted*, then *publiſhed*. But theſe things which I ſhall ſpeak of to day, are of a more *publick* Nature.

The ſecond is, that I will not trouble this *Preſence* with every particular; which would be too long; But ſelect thoſe things which are of greateſt efficacy, and conduce moſt, *ad ſummas Rerum*: Leaving many other particulars, to be ſet down, in a *publick Table*, according to the good example of my laſt *Predeceſſour*, in his *Beginning*.

And laſtly, that theſe *Imperatives*, which I have made but to my ſelf, and my Times be without prejudice, to the *Authority* of the *Court*, or *Wiſer men* that may ſucceed me: And chiefly, that they are wholy ſubmitted unto the great Wiſdom of my *Soveraign* (the abſoluteſt *Prince* in *Judicature*, that hath been in the *Chriſtian World*) For if any of theſe Things,

Things which I intend to be *Subordinate* to his Directions, shall be thought by his *Majesty* to be *Inordinate*, I shall be most ready, to reform them. These things are but *tanquam Album Prætoris*; For so did the *Roman Prætors* (which have the greatest Affinity, with the *Jurisdiction* of the *Chancellor* here) who used to set down at their Entrance, how they would use their *Jurisdiction*. And this I shall do (*my Lords*) in *verbis Masculis*; No flourishing or Painted Words, but such as are fit to go before *Deeds*.

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The Kings Charge, *which is my* Lanthorn, *rested upon four* Heads.

THe first was that I should contain the *Jurisdiction* of the *Court* within his true and due *Limits*, without *Swelling* or *Excess*.

The second, that I should think the putting of the Great Seal to *Letters Pattents*, was not a matter of *Course* after precedent *Warrants*; But that I should take it to be the *Maturity* and *Fulness* of the *Kings* Intentions: And therefore that it was one of the greatest parts of my Trust, if I saw any Scruple or Cause of stay, that I should acquaint him concluding with a *Quod dubites ne feceris*.

The third was that I should retrench all unnecessary delayes, that the *Subject* might find that he did enjoy the same *Remedy* against the Fainting of the *Seal*, and against the Consumption of the Means, and estate; which was *Speedy Justice Bis dat, qui cito dat*.

The fourth was that *Justice* might pass with as easie charge as might be, and that those same *Brambles* that grow about Justice of needless Charge and expence and all manner of *Exactions* might be rooted out so far as might be.

These *Commandements* (my Lords) are *Righteous*; And (as I may term them) *Sacred*, and therefore to use a sacred Form: I pray *God* bless the *King* for his great care over the Justice of the *Land*; and give me his poor Servant Grace, and Power to observe his *Precepts*.

Now for a beginning towards it, I have set down and applyed particular Orders to every one of these four general *Heads*.

For the *Excess* or *Tumour* of this *Court* of *Chancery* I shall divide it into five Natures.

The first is when the Court doth embrace or retain *Causes* both in matter and Circumstance meerely Determinable, and Fit for the *Common Law*. For (my Lords) the *Chancery* is ordained to *supply* the *Law*, and not to subvert the *Law*. Now to describe unto you or delineate what those Causes are (and upon what differences) that are fit for the *Court*, were too long a Lecture. But I will tell you what remedy I have prepared. *I* will keep the *Keyes* of the *Court* my self, and *I* will never refer any Demurrer or Plea (tending to discharge or dismiss the Court of the *Cause*) to any Mr. of the *Chancery*; But judge of it my self, or at least the Mr of the *Roules*, nay further *I* will appoint regularly, that on *Tuesday* in every week (which is the day of Orders) first to hear all *Motions* of that Nature before any other, that the Subject may have his *Vale* at first without further attending, and that the Court do not keep and accumulate a Miscellany and confusion of Causes of all natures.

The second Point, concerneth the time of the Complaint and the late commers into the *Chancery*: which stay till a *Judgement* be passed against them

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it the *Common Law*, and then complain: Wherein your *Lordships*, may have heard a great *Rattle*, and a *Noise* of a *Premunire*, and I cannot tell what. But that *Question* the *King* hath ſetled according to the ancient preſidents, in all times continued. And this I will ſay, that the Opinion not to relieve any Caſe after *Judgement* would be a guilty *Opinion*: Guilty of the *Ruine* and *Naufrage*, and *periſhing* of infinite *Subjects*: and as the *King* found it well out; why ſhould a Man fly into the *Chancery* before he be *Hurt*? *The whole need not the Phyſician, but the ſick.* But (My *Lords*) the *Power* would be preſerved, but then the *Practiſe* would be moderate. My *Rule* ſhall be therefore, that in Caſe of *Complaints*, after *Judgement*; (except the *Judgements* be upon *Nihil dicit*, which are but *Diſguiſes* of Judgement obtained in Contempt of a preceeding Order of this Court) yea, and after *Verdicts* alſo, I will have the *Party complainant* enter into good Bond, to prove his Suggeſtion: So that if he will be relieved againſt a *Judgement* at *Common Law*, upon *matter of Equity*, He ſhall do it, *Tanquam in Vinculis*, at his *Peril*.

The Third *Point* of *Exceſs* may be the over *Frequent* and *Facile Granting* of *Injunctions* for the ſtaying of the *Common Lawes*, or the *Altering Poſſeſſions*; wherein theſe ſhall be my *Rules*.

I will grant no *Injunction*, meerely upon *Priority* of *ſuit*: That is to ſay Becauſe this Court was firſt poſſeſſed: A Thing that was well reformed in the late *Lord Chancellors* time, but uſed in *Chancellor Broomleys* time: Inſomuch as I remember that Mr. *Dalton* the *Councellor* at Law, put a *Paſquil* upon the *Court*, in nature of a Bill, for ſeeing it was no more, but *My Lord*, the *Bill* came in on *Munday*, and the *Arreſt at Common Law* was on *Tueſday*, I pray the *Injunction* upon *Priority* of *Suite*, He cauſed his *Client* that had a *Looſe Dobter*, to put a *Bill* into the *Chancery* before the *Bond* due to him was *forfeited*, to deſire an *Order*, that he might have his *money* at the *Day*, becauſe he would be ſure to be before the other. I do not mean to make it a Matter of an *Horſe-Race* or Poaſting who ſhall be firſt, in *Chancery*, or in *Courts* of *Law*.

Neither will I grant an *Injunction* upon *matter*, contained in the *Bill* only be it never ſo ſmooth and Specious: But upon matter confeſſed in the *Defendants Anſwer*, or *matter pregnant in Writing*, or of *Record*; Or upon *Contempt* of the *Defendant* in not *Appearing* or not *Anſwering* or *Trifling* with the Court by *inſufficient Anſweing*. For then it may be thought the Defendant ſtands out upon purpoſe to get the ſtart at the *Common Law*, And ſo to take Advantage of his own *Contempt* which may not be ſuffered.

As for *Injunctions* for Poſſeſſion I ſhall maintain *poſſeſſions* as they were at the time of the *Bill* exhibited; And for the ſpace of a year before Except the *poſſeſſion* were gotten by *Force* or by any *Trick*.

Neither will I alter *Poſſeſſion* upon *Interlocutory Orders*, until a *Decree*: Except upon Matter plainly confeſſed in the *Defendants Anſwer* joyned with a plain *Diſability* and and *Inſolvency* of the *Defendants* to *anſwer* the *Profits*.

As for taking the Poſſeſſion away in reſpect of *Contempts* I will have all the proceedings of the Court ſpent firſt and a *Sequeſtration* of the *Profits* before I come to an *Injunction*.

The Fourth part of *Exceſs* is concerning the *Communicating* of the *Authority* of the *Chancellor* too far; And making upon the matter, to many *Chancellors* by relying too much upon *Reports* of the *Maſters of the Chancery*, as conc'udent. I know my *Lords*, the *Maſters of the Chancery* are *Revered Men*;

And

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And the great Mass of Business of the Court cannot be sped, without them; and it is a thing *the Chancellor* may soon fall into for his own Ease, to rely too much upon them. But the Course that I will take generally shall be this: That I will make no Binding Order upon any report of the *Masters*, without giving a seven nights day at the least, to shew cause, against the Report (which nevertheless I will have done modestly, and with due reverence towards them) and again I must utterly discontinue, the making of an *Hypothetical* or *Conditional Order*; that if a *Master of the Chancery*, do certifie thus, that then it is *Ordered* without further Motion; For that is a Surprise, and gives no time for Contradiction.

The last point of *Excess* is: If a *Chancellor* shall be so much of himself as he should neglect assistance of *Reverend Judges*, in Cases of Difficulty, (especially if they touch upon *Law*) or Calling them shall do it, but *Pro forma tantum*, and give no due respect to their opinions: Wherein (My *Lords*) preserving the Dignity and *Majesty* of the *Court*, (which I count rather increased than diminished by grave and due Assistance) *I* shall never be found so Soveraign or abundant in mine own sense but *I* shall both desire, and make true use of *Assistants*. Nay *I* assure your *Lordships* if *I* should find any main Diversity of Opinion of my *Assistants*, from mine own; Though *I* know well the *Judicature* wholy resides in my self; yet *I* think *I* should have Recourse to the *Oracle* of the *Kings* own Judgement, before *I* should pronounce; and so much for the temperate use of the Authority of this *Court* wherein the health of the *Court* doth much consist, as that of the Body consists in *Temperance*.

For the Second *Commandement* of his *Majesty* touching staying of *Grants*, at the *Great Seal*: There may be just Cause of Stay, Either in the matter of the *Grant*: Or in the *manner of passing* the same. Out of both which *I* extract these *6. principal cases* which *I* will now make known. All which nevertheless *I* understand to be wholly submitted to his *Majesties* Will and Pleasure after by me he shall have been informed? For if *Iteratum Mandatum* do come, *Obedience is better than sacrifice*.

The First *Case* is where any Matter of *Revenue* or *Treasure* or *Profit* passeth from his *Majesty*; My first duty shall be to examine whether the *Grant* hath passed in the due and natural Course by the *Great Officers* of the *Revenue* (*The Lord-Treasurer and Chancellor of the Exchequer*) and with their privity: which if I find not to be, I must presume it to have passed in the dark, and by a kind of surreption; And will make stay of it till his *Majesties* pleasure, be further known.

Secondly, if it be a *Grant*, that is not meerly vulgar, And hath not of Course passed at the *Signet* by a *Fac simile*, But needeth Science, my Duty shall be to examine whether it hath passed by *the Learned Counsel* and had their *Dockets*: which is that which his *Majesty* reads, and that leads him. And if I find it otherwise (although the Matter were not in it self inconvenient) yet I hold it Just *Cause of stay* (for *Presidents* sake) to keep Men in the right way.

Thirdly, if it be a *Grant* which *I* conceive (out of my little knowledge) to be against the *Law*; Of which nature *Theodosius* was wont to say, when he was pressed; *I said it, but I granted it not, if it be unlawfull*: *I* will call the *learned Counsel* to it; (as well him that drew the Book as the Rest) or some of them; And if we find cause *I* will enform his *Majesty* of our Opinion, either by my self, or some of them. For as for the *Judges* they are *Judges* of *Grants past* but not of *Grants to come*, except the *King* call them.

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Fourthly, if the *Grants* be againſt the *Kings Booke of Bounty*; I am expreſly Commanded to ſtay them until the *King* either Reviſe his *Book* in General, or give Direction in the particular.

Fifthly, if as a *Counſeller* of *Eſtate*, I do foreſee inconvenience to enſue by the *Grant* in reaſon of *Eſtate*, in reſpect of the *Kings Honour* or Diſcontent, or Murmur of the People; I will not truſt mine own Judgement but I will either acquaint his *Majeſty* with it, or the *Counſel Table*, or ſome ſuch of my *Lords* as I ſhall think fit.

Laſtly, for *Matter* of *Pardons*; If it be of *Treaſon*, *Miſpriſion* of *Treaſon*, *Murther*, either expreſſed or involute, by a *non obſtante*; Or of a Pyracy, or *Premunire*, or of *Fines*, or *Exemplary puniſhment* in *Star-Chamber*; Or of ſome other natures; I ſhall by the grace of *God ſtay* them until his *Majeſty* (who is the *Fountain of Grace*) may reſolve between *God* and him (underſtanding the Caſe,) how far *Grace* ſhall abound, or ſuperabound.

And if it be of perſons attainted and Convicted, of *Robbery*, *Burglary*, &c. Then will I examin whether the *Pardons* paſſed the hand of any Juſtice of Aſſiſe; Or other *Commiſſioners* before whom the *Trial* was made; and if not I think it my duty alſo to ſtay them.

Thus your *Lordſhips* ſee in this *Matter of the Seal*, agreeable to the Commandement I have received, I mean to walk in the Light; So that Men may know where to finde me; And this publiſhing thereof plainly, I hope will ſave the *King* from a great deal of Abuſe; And me from a great deal of Envy; When men ſhall ſee that no particular Turn, or end, leads me but a general *Rule*.

For the third *General Head* of *his Majeſties precepts*, concerning *Speedy Juſtice*, I am reſolved that my *Decree* ſhall come ſpeedily (not inſtantly) after the *Hearing* and my ſigned *Decree* pronounced. For it hath been a manner much uſed of late in my *Lords* laſt time (of whom I learn much to *Imitate* and with due reverence to his memory let me ſpeak it, Much to avoid; That upon the Solemn and *Full hearing* of a *Cauſe* nothing is pronounced in *Court*; But *Breviates* are required to be made: Which I do not diſlike in it ſelf in *Cauſes* perplexed. For I confeſs I have ſomewhat of the *Cunctative*; And I am of Opinion, that whoſoever is not wiſer upon *Advice* than upon the ſuddain; The ſame Man is no wiſer at 50. years old than he was at 30. And it was my *Fathers* ordinary *Word*; *You muſt give me time*. But yet I find that when ſuch *Breviates* were taken, the Cauſe was ſometimes forgotten a Term or two; And then ſet down for a *new hearing* or a *Rehearing* three or four Termes after. Of which kind of Intermiſſion I ſee no uſe; and therefore I will promiſe regularly to pronounce my *Decree* within few Dayes after my hearing; and to ſign my *Decree* at leaſt in the Vacation, after the pronouncing. For Freſh *Juſtice* is the ſweeteſt. And beſides *Juſtice* ought not to be delayed; And it will alſo avoid all means making or Labouring; For there ought to be no *Labouring* in *Cauſes*, but the *Labouring* of the *Counſel* at the Bar.

Again becauſe *Juſtice* is a *Sacred Thing*; and the end for which I am called to this place, and therefore is my way to Heaven; (And if it be ſhorter it is never a whit the worſe) I ſhall by the grace of *God* (as far as *God* will give me ſtrength) add the Afternoon to the Forenoon, and ſome *Fortnight* of the *Vacation*, to the Term; For the the expediting and cleaſe of the *Cauſes* of *Court*: Only the Depth of the Three long Vacations, I would reſerve in ſome meaſure free, for *Buſineſs* of *Eſtate*; and for Studies of *Artes* and *Sciences*, to which in my Nature I am moſt inclined.

There

His Lord. ships Speech *at the taking his place in* Chancery.

There is another *Point of true Expedition*, which reſteth much in *my ſelf*, and that is the manner of givin orders. For I have ſeen an affectation of *Diſpatch* turn utterly to *Delay*, and *Length*, for the manner of it, is to take the Tale out of the *Counſellor* at Bar his Mouth, and to give a Curſory Order; nothing tending or conducing to the end of the Buſineſs. It makes me remember what I heard one a ſay of a Judge, that ſate in the *Chancery*, that he would make 80 Orders in a Morning out of the way, and it was out of the way indeed; For it was nothing to the *End* of the *Buſineſs*, and this is that which makes 60, 80, 100. *Orders* in a *Cauſe*, to and fro begetting one another; and like *Penelopes Web*, doing and undoing. But I mean not to purchaſe the *Praiſe* of *Expedition* in that kind: But as one that have a feeling of my Duty, and of the Caſe of others, my Endeavour ſhall be to hear patiently, and to caſt my Order into ſuch a mould as may ſooneſt bring the *Subject* to the End of his *Journey*.

As for ſuch delayes as may concern Others, the great *Abuſe* is, that if the *Plaintiff* have got an *Injunction* to ſtay ſutes at *Common Law*, then he will Spin on his *Cauſe* at length. But by the grace of *God*, I will make Injunctions an *hard Pillow* to ſleep on: For if I find that he proſecutes not with effect he may hap when he is awake find not only his *Injunction diſſolved*, but his *Cauſe diſmiſſed*.

There be other particular *Orders* I mean to take for *Non Proſecution*, or *faint proſecution* wherewith I will not trouble you now, becauſe *Summa ſequar Faſtigia Rerum*. And ſo much for matter of *Expedition*.

Now for the fourth and laſt point of the *Kings Commandement*, For the cutting off of *unneceſſary charge* of the *Subject*, a great part of it is fulfilled in the precedent *Article*, touching *Expedition*: For it is the *Length* of Suits, that doth multiply *Charge* chiefly, but yet there are ſome other Remedies that conduce thereunto.

Firſt therefore I ſhall maintain ſtrictly, and with ſeverity the *Former Orders* which I find made by my *Lord Chancellor* for the immoderate and needleſs prolexity, and length of *Bills*, and *Anſwers* and ſo forth; As well in *puniſhing* the *party*, as *fining* the *Counſel*, whoſe hand I ſhall find at ſuch *Bills Anſwers*, *&c.*

Secondly, for all the *Examinations* taken in the *Court*, I do give charge unto the *Examiners* (upon peril of their places) that they do not uſe idle *Repetitions*, or needleſs *Circumſtances*, in ſetting down the *Depoſitions* taken by them; and I would I could help it likewiſe, in *Commiſſions* in the *Countrey*, But that is almoſt unpoſſible.

Thirdly, I ſhall take a diligent Survey of the *Coppies* in *Chancery*; That they have their juſt number of Lines, and without open or waſtfull writing.

Fourthly I ſhall be carefull that there be no *Exaction* of any new *Fees* but according as they have been heretofore ſet and Tabled.

As for *Lawyers Fees*, I muſt leave to the Conſcience and Merit of the *Lawyer*; and the Eſtimation and Gratitude of the *Client*, but this I can do. I know there have uſed to attend this *Barr* a number of *Lawyers*, that have not been heard ſometimes, ſcare once or twice in a *Term*; and that makes the *Client* ſeek to great *Counſel* and *Favourites* (as they call them: A term fitter for *Kings* then *Judges*) and that for every *Order* that a mean *Lawyer* might diſpatch and as well. Therefore to help the *Generallity* of *Lawyers*, and therein to eaſe the Client, I will conſtantly obſerve that every *Tueſday* and

A Speech in the Star-Chamber before the Summer Circuits.

and other dayes of *Orders* after nine a Clock ſtricken, I will hear the *Bar* untill 10. or halfe an Hour after 10. at the leaſt. And ſince we are upon the point, whom I will hear, your *Lordſhips* will give me leave to tell you a Fancy. It falls out, that there be three of us the *Kings ſervants* in great place, that are *Lawyers* by *Deſcent* Mr. *Attorney* Son of a *Judge*, Mr. *Solicitor* likewiſe Son of a *Judge*, and my ſelf a *Chancellors* Son.

Now becauſe the *Law*, roots ſo well in my time, I will water it at the Root thus far, as beſides theſe great Ones, I will hear any *Judges Son* before a *Sergeant*, and any *Seargeants Son* before a *Reader*.

Laſtly, for the better *Eaſe* of the *Subjects*; And the *Brideling* of *contentious Sutes*, I ſhall give better (that is greater) *Coſts* where the *Suggeſtions* are not proved than hath been hitherto uſed.

There be divers other *Orders* of *Writs* and for *Granting* of *Benefices* and other things which I ſhall ſet down in a *Table*. But I will deal with no other too day, but ſuch as have a proper Relation to his *Majeſties Commandement*: It being my Comfort that I ſerve ſuch a *Maſter* that I ſhall need to be but a *Conduit* for the *conveying* onely of his *Goodneſs* to his *People*. And it is true, that I do affect and aſpire to make good that ſaying; that *Optimus Magiſtratus præſtat optimæ Legi*, which is true in his *Majeſty*. But for my ſelf I doubt I ſhall not attain it. But yet I have a *Domeſtical Example* to follow. *My Lords*, I have no more to ſay but now I will go on to the *Buſineſs* of the *Court*.

The Speech *which was uſed by the* Lord-Keeper *of the* Great Seale *in the* Star *Chamber before the* Summer *Circuits, the* King *being then in* Scotland 1617.

THe King by his perfect *Declaration* publiſhed in this place concerning *Judges* and *Juſtices* Hath made the *Speech* of his *Chancellor*, accuſtomed before the *Circuits* rather of *Ceremony* than of *uſe*. For as in his *Book to his Son*, he hath ſet forth a true *Character* and *Platform* of a King; So in this *Speech*, he hath done the like of a *Judge* and *Juſtice*: Which ſheweth that as his *Majeſty* is excellently able to *Govern in chief*; So he is likewiſe well ſeen and skilful in the inferiour Offices and Stages of Juſtice, and Government: which is a thing very rare in *Kings*.

Yet nevertheleſs, ſomewhat muſt be ſaid to fulfil an old *Obſervance*; But yet upon the *Kings Grounds* and very briefly: For as *Solomon* ſaith in another *Caſe*; *In theſe things who is he that can come after the King*

First you that are the *Judges* of *Circuits*, are as it were the *Planets* of the *Kingdom*; (I do you no diſhonour in giving you that name;) And no doubt you have a great ſtroak in the Frame of this Government; As the other have in the *Frame* of the *World*. Do therefore as they do, move alwayes and be carried with the *Motion* of your firſt *Mover*, which is your *Soveraign*. A *popular Judge* is a Deformed thing: And *Plaudite's*, are fitter for *Players* than for *Magiſtrates*. Do good to the people, Love them and give them Juſtice. But let it be as the *Pſalm* ſaith, *Nihil inde Expectantes*; Looking for nothing, neither Praiſe nor Profit.

Yet my Meaning is not when I wiſh you to take heed of Popularity, that

A Speech in the Star-Chamber before the Summer Circuits.

that you ſhould be imperious and ſtrange to the Gentlemen of the *Countrey*: You are above them in Power, but your Rank is not much unequal: and learn this; That Power, is ever of greateſt ſtrength when it is civilly carried.

Secondly, you muſt remember that beſides your ordinary *Adminiſtration* of *Juſtice*, you do carry the two *Glaſſes* or *Mirrours* of the *State*: For it is your Duty in theſe your Viſitations; *To Repreſent to the People the Graces and Care of the King.* And again upon your Return; *To preſent to the King the Diſaſtes and Griefs of the People.*

Mark what the *King* ſayes in his Book: *Procure Reverence to the King and the Law*: *Inform my People truely of me*; (which we know is hard to do according to the *Excellency* of his Merit, but yet Endeavour it) *How zealous I am for Religion*; *How I deſire Law may be maintained and flouriſh*; *That every Court ſhould have his Juriſdiction*; *That every Subject ſhould ſubmit himſelf to the Law.* And of this you have had of late no ſmall Occaſion of Notice, and Remembrance by the great and ſtraight Charge, that the *King* hath given me as *Keeper of his Seal*, for the *Governing* of the *Chancery* without *Tumour* or *Exceſs*.

Again *renata*, you at this preſent ought to make the *People* know, and conſider the *Kings* Bleſſed Care and Providence in governing this Realm, in his Abſence. So that ſitting at the Helm of another *Kingdom*; Not without great Affaires and buſineſs; yet he governs all things here by his Letters and Directions, as punctually and perfectly as if he were preſent.

I aſſure you my Lords of the *Counſel*, and I do much admire the *Extention* and *Latitude* of his Care in all things.

In the *High Commiſſion* he did conceive a *Sinnew* of *Government* was a little ſhrunk; He recommended the care of it.

He hath called for the Accounts of the laſt Circuit from the Judges to be tranſmitted unto him into *Scotland*.

Touching the *Infeſtation* of *Pyrates*, he hath been careful and is, and hath put things in a way.

All things that concern the Reformation or the *Plantation* of *Ireland*; He hath given in them punctual and reſolute Directions. All this in Abſence.

I give but a few *Inſtances* of a publique Nature; The *Secrets* of *Counſel* I may not enter into; Though his *Diſpatches* into *France*, *Spain* and the *Low-Countries*, now in his abſcence are alſo Notorious as to the outward ſending. So that I muſt conclude that his Majeſty wants but more *Kingdome*; For I ſee he could ſuffice to all.

As for the other *Glaſſe* I told you of; Of repreſenting to the *King* the Griefs of his *People*; without doubt it is properly your Part: For the King ought to be informed of any thing amiſſe in the ſtate of his *Countries* from the *Obſervations* and *Relations* of the *Judges* (That indeed the know Pulſe of the Country) Rather than from Diſcourſe. But for this *Glaſſe* (thanks be to *God*) I do hear from you all; That there was never greater Peace Obedience and Contentment in the Country: Though the beſt *Governments* be alwayes like the faireſt *Cryſtals* wherein every little *Iſicle* or *Grain* is ſeen which in a *Fouler Stone* is never perceived.

Now to ſome *Particulars*, and not Many. Of all other things I muſt begin as the King begins; That is with the Cauſe of Religion, and eſpecially the *Hollow Church Papiſt*. Saint *Aug.* hath a good Compariſon of ſuch

A Speech to Sir W. Jones called to be a chief Juſt. of Ireland.

ſuch Men affirming, that they are like the *Roots* of *Nettles* which themſelves ſting not; but yet they bear all the ſtinging Leaves. Let me know of ſuch *Roots* and *I* will root them out of the Country.

Next, for the *Matter* of *Religion*: in the principal place *I* recommend both to you and to the *Juſtices*, the *Countenancing* of *Godly* and *Zealous Preachers*. *I* mean not *Sectaries* or *Novellists*; But thoſe which are ſound, and conform; But yet pious and Reverend. For there will be a perpetual Defection, except you keep Men in, by *Preaching* as well as Law doth by *puniſhing*: and commonly *Spiritual Diſeaſes* are not cured but by *Spiritual Remedies*.

Next, let me commend unto you the Repreſſing (as much as may be) of Faction in the Countrys, of which enſue infinite Inconveniences, and perturbations of all good Order; and croſſing of all good Service in Court or Country, or wherſoever. *Cicero* when he was *Conſul* had deviſed a fine Remedy (a Mild one, but an effectual and apt one) For he ſaith *Eos qui otium perturbant reddam otioſos*. *Thoſe that trouble others* Quiet, *I will give them Quiet*; They ſhall have nothing to do; Nor no Authority ſhall be put into their Hands. *If I* may know from you, of any who are in the Country that are Heads, or Hands of Faction; Or men of turbulent Spirits *I* ſhall give them *Cicero's* Reward as much as in me is.

To conclude ſtudy the *Kings Book*, and ſtudy your ſelves how you profit by it, and all ſhall be well. And you the *Juſtices of Peace* in particular, Let me ſay this to you; Never *King* of this Realm, did you ſo much Honour as the *King* hath done you in his *Speech*; By being your immediate Directors, and by ſorting you and your ſervice, with the Service of *Ambaſſadours* and of his neareſt *Attendants*. Nay more it ſeems his *Majeſty*, is willing to do the ſtate of Juſtice of *Peace* Honour actively alſo; By bringing in with time, the like Form of *Commiſſion*, into the *Government* of *Scotland*, as that Glorious *King Edward the third* did plant this *Commiſſion* here in this *Kingdom*. And therefore you are not fit to be *Coppies* except you be *Fair Written*, without *Blots* or *Blurs*, or any thing, unworthy your Authority. And ſo *I* will trouble you no longer for this time.

The Speech *uſed by* Sr. Francis Bacon, Lord-Keeper *of the* Great Seale of England, *to Sir* Will Jones *upon his calling to be* Lord Chief Juſtice *of* Irelan 1617.

Sir *WILLIAM JONES*,

THe *Kings* moſt *Excellent Majeſty*, being duly informed of your ſufficiency every way; Hath called you by his Writ now returned, to the State and Degree of a *Serjeant* at *Law*, But not to ſtay there, but being ſo qualified to ſerve him as his *Chief Juſtice* of his *Kings Bench*, in his *Realm of Ireland*. And therefore that which *I* ſhall ſay to you muſt be applied not to your *Serjeants* place (which you take but in paſſage) But to that great place where you are to ſettle, and becauſe *I* will not ſpend Time to the Delay of the Buſineſs of *Cauſes* of the *Court I* will lead you

A Speech to Sir W. Jones, called to be a Chief Just. of Ireland.

you are *learn Virtue by Examples* and not the *Long by Precepts.*

The *Place* that you shall now serve in, hath been fortunate to be well served, in your successions before you. Do but take unto you the constancy and integrity of *Sir Robert Gardiner*: The Gravity, Temper and direction of *Sir James Lea*: The quickness, industry and dispatch of *Sir Humphry Winch*: The Care and Affection to the *Common Wealth*, and the prudent and Politick Administration of *Sir John Denham*, And you shall need no other Lessons. They were all *Lincolns Inn Men* as you are, you have known them as well in their *Beginnings*, as in their *Advancement.*

But because you are to be there, not only *Chief Justice*, but a *Counsellor of Estate*, I will put you in mind of the great Work, now in hand that you may raise your thoughts, according unto it. *Ireland* is the last, *Ex Fabris Europæ*, which hath been reclaimed from Desolation, and a Desert (in many parts) to Population, and Plantation; And from Savage and Barbarous Customs, to Humanity, and Civility. This is the *Kings* Work in chief. It is his *Garland of Heroical Virtue* and *Felicity*; Denied to his Progenitors, and Reserved to his Times. The Work is not yet conducted to perfection, but is in fair Advance. And this I will say confidently, that if *God* bless this Kingdom with Peace and Justice; No Usurer is so sure in seven years space to double his *Principal* with *Interest*, and *Interest* upon *Interest*; As that Kingdom is within the same time to double the stock both of Wealth and People. So as that *Kingdom* which once within these Twenty years, *Wise men* were wont to doubt whether they should wish it to be in a *Pool*, is like now to become almost a *Garden*, And *younger Sister* to *Great Britain*. And therefore you must set down with your self to be not only a just *Governor* and a good *Chief Justice* (as if it were in *England*) But under the *King* and the *Deputy* you are to be a *Master Builder*, and a *Master Planter*, and *Reducer* of *Ireland*. To which end, I will trouble you at this time but with Three Directions.

The First is, that you have special care of the Three *Plantations*. That of the *North*, which is in part acted: That of *Wexford*, which is now in Distribution: And that of *Longford*, and *Letrim*, which is now in survey. And I take this from me; That the Bane of a Plantation is when the *Undertakers* or *Planters* make such haste to a little *Mechanical present profit* as disturbeth the whole *Frame*, and nobleness of the work, for Times to come. Therefore hold them to their *Covenants*, and the strict *Ordinances* of *Plantation.*

The second is, that you be carefull, of the *Kings Revenues*; And by little and little constitute him a good *Demesne*, if it may be, Which hitherto is little or none. For the *Kings* Case is hard, when every Mans Land shall be improved in value with increase manifold; and the *King* shall be tied to his *Old Rent.*

My last direction (though first in weight) is that you do all good Endeavours to proceed resolutely, and constantly (and yet with due Temperance, and Equality) in *Matters* of *Religion*; least *Ireland Civil*, become more dangerous to us, than *Ireland Savage*. So *God* give you Comfort of your *Place.*

After Sir *William Jones Speech.*

I had forgotten one thing, which was this. You may take exceeding great Comfort, that you shall serve with such a *Deputy*: One that (I think) is a Man ordain'd of *God* to do great *Good* to that *Kingdome*. And this I think good to say to you; That the true Temper of a *Chief Justice* towards a *Deputy* is Neither servilly to second him, nor factiously to oppose him.

A Speech to Sir John Denham, *called to be a Baron of the Exch.*

The Lord Keepers Speech *in the Exchequer to* Sir John Denham; *when he was called to be one of the* Barons *of the* Exchequer.

SIR *John Denham*, the *King* of his grace and favour hath made choice of you to be one of the *Barons* of the Exchequer; To succeed to one of the graveſt and moſt Reverend *Judges* of this *Kingdome*; For ſo I hold *Baron Altham* was. The *King* takes you not upon Credit, but Proof, and great Proof of your former Service; and that in both thoſe kinds wherein you are now to ſerve: For as you have ſhewed your ſelf a good *Judge* betweene party and party; ſo you have ſhewed your ſelf a good *Adminiſter* of the *Revenue*; Both when you were *Chief Baron* and ſince as *Counſellor* of *Eſtate* there in *Ireland*, where the *Counſel* as (you know) doth in great part mannage and meſſuage the *Revenew*.

And to both theſe Parts I will apply ſome *Admonitions*; But not vulgar or diſcurſive; But apt for the Times and in few wordes: For they are beſt remembred.

Firſt therefore above all you ought to maintain the *Kings Prerogative*, And to ſet down with your ſelf that the *Kings Prerogative*, and the *Law*, are not two Things; But the *Kings Prerogative is Law*; And the principal *Part* of the *Law*: The *Firſt-born* or *Pars Prima* of the *Law*: And therefore in conſerving or maintaining that you conſerve and maintain the *Law*. There is not in the *Body* of *Man*, one Law of the Head, and another of the Body, but all is one Entire *Law*.

The next *Point* that I would now adviſe you is, that you acquaint your ſelf diligently with the *Revenew*; and alſo with the Ancient *Records* and *Preſidents* of this *Court*. When the famous Caſe of the *Copper Mines*, was argued in this Court, And judged for the *King*; It was not upon the fine Reaſons of *Witt*; as that the *Kings Prerogative* drew to it the chief *in quaque ſpecie*: The *Lion* is the chief of *Beaſts*, the *Eagle* the chief of *Birds*, the Whale the chief of *Fiſhes*; And ſo Copper the chief of Minerals; For theſe are but *Dalliances* of *Law*, and *Ornaments*; But it was the grave Records and Preſidents, that grounded the *Judgement* of that Cauſe: And therefore I would have you both guide and arm your ſelf with them againſt theſe Vapours and Fumes of Law, which are extracted out of Mens Inventions and Conceits.

The third Advice I will give you hath a large Extent: It is that you do your endeavour in your place ſo to mannage the *Kings Juſtice* and Revenue, as the *King* may have moſt moſt *Profit*, and the *Subject* leaſt vexation: For when there is much vexation to the *Subject* and little Benefit to the *King*, then the *Exchequer* is Sick: And when there is much Benefit to the *King*, with leſs Trouble and vexation to the *Subject* then the *Exchequer* is ſound: as for *Example*; If there ſhall be much *Racking* for the Kings old Debts; and the more *Freſh* and late debts ſhall be either more negligently called upon or over eaſily diſcharged, or over Indulgently ſtalled: Or if the number of Informations be many; and the *Kings Part* or Fines for *Compoſitions*, a Trifle: Or if there be much ado, to get the *King* new Land, upon *Concealments*, and that which he hath already be not known and ſurveyed; Nor the woods preſerved (I could put you many other

Caſes

Cases this falls within that which I term the *fee Estate* of the *Exchequer*. And this is that which makes every Man ready, with their undertakings, and their Projects to disturb the ancient *Frame* of the *Exchequer*; (Then the which I am perswaded there is not a better) This being the *Burthen* of the *Song*, That much goeth out of the *Subjects Purse*; And little commeth to the *Kings Purse*. Therefore, give them not that advantage so to say. Sure I am, that besides your own Associates the *Barons* you serve with two superiour *Great Officers*, that have Honourable and true *Ends*; and desire to serve the *King* and right the *Subject*.

A Speech to Just. Hutton *to be one of the Judges of the C. Pleas.*

There resteth, that I deliver you your *Patent*-

His Lordships Speech *in the* Common Pleas, *to* Justice Hutton *when he was called to be one of the* Judges *of the* Common Pleas.

Mr. *Serjeant Hutton*,

THe *Kings most excellent Majesty* being duly enformed of your Learning, Integrity, Discretion, Experience, Means, and Reputation in your Country hath thought fit not to leave you these *Talents* to be employed upon your self only, but to call you to serve *Himself* and his *People* in the place of one of his *Justices* of the *Court* of *Common Pleas*.

This *Court* where you are to serve is the *Local Center*, and *Heart* of the *Laws* of this *Realm*: Here the *Subject* hath his assurance by *Fines* and *Recoveries*: Here he hath his Fixed and Invariable *Remedies* by *Precepes* and *Writs* of *Right*: Here *Justice* opens not by a *By-gate* of *Priviledge*, but by the *great Gate* of the *Kings Original Writs* out of the *Chancery*. Here issues Process of Utlawry, if men will not answer *Law* in this *Center* of *Law*, they shall be cast out. And therefore it is proper for you, by all means with your Wisdome and fortitude to maintain the *Laws* of the *Realm*: Wherein nevertheless I would not have you *Head-strong* but *Heart-strong*; And to weigh and remember with your self that the 12. *Judges* of the *Realm* are as the 12 *Lions* under *Solomons Throne*; They must shew their *Stoutness* in *Eleuating and bearing* up the *Throne*. To represent unto you the *Lines* and *Portraitures* of a good *Iuage*.

The 1. is, that you should draw your *Learning* out of your *Books*, not out of your *Brain*.

2. That you should mix well the *Freedom* of your own *Opinion* with the *Reverence* of the *Opinion* of your *Fellowes*.

3. That you should continue the *Studying* of your *Books* and not to spend upon the old *Stock*.

4. That you should fear no *Mans Face*; and yet not turn *Stoutness* into *Brazen*.

5. That you should be *truly Impartial* and not so as Men may see *Affection* through your *Carriage*.

6. That you should be a *Light* to *Jurours* to open their Eyes, but not a *Guid* to *Lead* them by the *Nose*.

7. That you admit not the *Opinion* of Pregnancy, and *Expectation*, by an impatient and catching Hearing of the *Counsellors* at the Bar

A Speech in the Parliament, *to the* Speakers *Excuse.*

8. That your Speech be *with Gravity*, as one of the *Sages* of the *Law* and not *Talkative*, nor with impertinent *Flying out* to shew *Learning*.

9. That your *Hands* and the *Hands* of your *Hands* (I mean those about you) Be *Clean*, and *Uncorrupt* from *Gifts* from *Meddling* in *Titles*, and from *Serving of Turns*; Be they of Great ones or small ones.

10. That you contain the *Jurisdiction* of the *Court* within the ancient *Meere-stones*, without Removing the *Mark-*

11. Lastly, that you carry such a *Hand* over your *Ministers* and *Clarks*, as that they may rather be in aw of you, than presume upon you.

These and the like Points of the *Duty* of a *Judge*, I forbear to enlarge; For the longer I have lived with you, the shorter shall my Speech be to you, Knowing that you come so Furnished and prepared with these *Good Vertues*, as whatsoever I shall say cannot be *New* unto you. And therefore I will say no more unto you, at this time, but deliver you your *Patent*.

His Lordships Speech *in the* Parliament, *being* Lord Chancellor *To the* Speakers Excuse.

Mr. *Serjeant Richardson*,

THe *King* hath heard and observed your grave and decent *Speech* tending to the Excuse and Disablement of your self for the place of *Speaker*. In answer whereof, his *Majesty* hath commanded me to say to you that he doth in no sort admit of the same.

First because, if the *Parties* own *Judgment* should be admitted in case of *Elections*, touching himself, it would follow that the most confident, and over-weening persons would be received; and the most considerate Men, and those that understand themselves best should be rejected.

Secondly his *Majesty* doth so much rely upon the Wisdomes and Discretions of those of the *House* of *Commons*, that have chosen you with an unanimous consent, that his *Majesty* thinks not good to swerve from their Opinion, in that wherein themselves are principally interressed.

Thirdly, you have disabled your Self in so good and decent a Fashion, as the Manner of your *Speech* hath destroyed the Matter of it.

And therefore the *King* doth allow of the *Election* and admit you for *Speaker*.

To the *Speakers Oration*.

Mr. *Speaker*;

THe *King* hath heard and observed your eloquent discourse containing much good Matter, and much good Will: Wherein you must expect from me such an Answer only as is pertinent to the *Occasion* and compassed by due respect of *Time*.

I may divide that which you have said into four parts.

The first was a *Commendation*, or *Laudative* of *Monarchy*.

The second was indeed a large *Field*, Containing a thankfull *Acknowledgement* of his *Majesties Benefits*, *Attributes*, and *Acts* of *Goverment*.

The

The third was some *Passages* touching the *Institution*, and *Use* of *Parliaments*.

The fourth and last was certain *Petitions* to his *Majesty* on the behalf of the *House* and your *self*.

A Speech in the Parliament, *to the* Speakers *Excuse.*

For your *Commendation* of *Monarchy* and preferring it before other *Estates*, it needs no an *Answer*. The *Schooles* may dispute it; But *Time* hath tryed it; And we find it to be the Best. Other *States*, have curious Frames soon put of order; And they that are made fit to last are not commonly fit to grow or spread: And contrariwise those that are made fit to spred and enlarge are not fit to continue and endure. But *Monarchy* is like a *Work of Nature*, well composed both to grow, and to continue. From this I pass.

1. Part.

For the second part of your *Speech* wherein you did with no less Truth than affection, acknowledge the great Felicity which we enjoy by his *Majesties Reign* and *Government*; His *Majestie* hath commanded me to say unto you: That *Praises* and *Thanksgivings*, he knoweth to be the true Oblations of Hearty and loving Affections: But that which you offer him he will joyn with you, in offering it up to *God*, who is the *Author* of all *Good*; who knoweth also the *uprightness* of his *Heart*; who he hopeth, will continue and encrease his *Blessings* both upon *Himself* and his *Posterity* and likewise upon his *Kingdomes* and the *Generations* of them.

2. Part.

But I for my part must say unto you as the *Grecian Orator* said long since in the like case: *Solus dignus harum rerum Laudator Tempus. Time* is the onely *Commender* and *Encomiastique*, worthy of his *Majesty* and his *Government*.

Why *Time*? For that in the Revolution of so many years and Ages as have passed over this *Kingdom*; Notwithstanding many Noble and excellent Effects were never produced untill his *Majesties* dayes; But have been reserved as proper and peculiar unto them.

And because this is no part of a *Panegyrick*, but meerly story and that they be so many *Articles* of *Honour* fit to be recorded, I will onely mention them; extracting part of them out of that you Mr. *Speaker* have said. They be, in Number Eight.

1. His *Majesty* is the first (as you noted it well) that hath laid *Lapis Angularis* the *Corner Stone* of these two mighty *Kingdomes* of *England* and *Scotland*, and taken away the *Wall* of Separation: Whereby his *Majesty* is become the *Monarch* of the most puissant and Military *Nations* of the *World* and if one of the Ancient wise Men, was not deceived *Iron commands Gold*.

Secondly the *Plantation* and *Reduction* to *Civility* of *Ireland* (the second *Island* of the *Ocean Atlantique*) did by *Gods* Providence wait for his *Majesties* Times: Being a work resembling indeed the Workes of the ancient *Heroes*: No new piece of that kind in *Modern Times*.

Thirdly this *Kingdom* now first in his *Majesties Times* hath gotten a *Lot* or Portion in the New World by the Plantation of *Virginia* and the *Summer Island*. And certainly it is with the *Kindomes* on *Earth*, as it is in the *Kingdom* of *Heaven*. Sometimes a *Grain* of *Mustardseed* proves a great *Tree*. Who can tell?

Fourthly, his *Majesty* hath made that Truth which was before Titulary, in that he hath verified the Stile of *Defender of the Faith*; Wherein his *Majesties Pen* hath been so happy as though the *Deaf Adder* will not hear, yet he is charmed that he doth not *Hiss*. I mean in the graver sort of those that have answered his *Majesties Writings*.

Fifthly

A Speech in the Parliament to the Speakers Excuse.

Fiftnly, it is moſt certain that ſince the *Conqueſt*, ye cannot aſſign twenty years (which is the Time that his *Majeſties Raign*, now drawes faſt upon) of Inward and outward Peace. Inſomuch as the time of *Queen Eliz.* of happy memory, and allwayes magnified for a peaceably *Raign*, was nevertheleſs interrupted the firſt Twenty years, with a *Rebellion* in *England*. And both firſt and laſt twenty years with *Rebellions* in *Ireland*. And yet I know, that his *Majeſty* will make good both his Words, as well that of *Nemo me laſceſſit impunè*, as the other of *Beati pacifici*.

6. Sixthly, that true and primitive *Office* of *Kings* which is to ſit in the *Gate* and to *judge* the people was never performed in like perfection by any of the *Kings Progenitors*: Whereby his *Majeſty* hath ſhewed himſelf to be *Lex loquens*, and to ſit upon the Throne not as a *dumb Statua*, but as a *Speaking Oracle*.

7. Seventhly, for his *Majeſties mercy* (as you noted it well) ſhew me a time wherein a *King* of this Realm hath *Reigned* almoſt 20. years (as I ſaid) in his *White Robes* without the Blood of any Peer of this *Kingdome*: The *Axe* turned once or twice towards a Peere but never ſtrook.

8. Laſtly the *Flouriſhing* of Arts and Sciences recreated by his *Majeſties* Countenance and bounty, was never in that Heighth eſpecially that *Art* of *Arts Divinity*; For that we may truely to Gods great glory confeſs that ſince the *Primitive times*, there were never ſo many *Stars* (for ſo the *Scripture* calleth them) in that *Firmament*.

Theſe things Mr. *Speaker*, I have partly choſen out of your Heap, and are ſo far from being vulgar, as they are in effect ſingular and proper to his *Majeſty* and his Times. So that I have made good as I take it my firſt *Aſſertion*; *That the onely worthy Commender of his Majeſty is Time*: Which hath ſo ſet off his *Majeſties merits* by the ſhadowes of *Compariſon* as it paſſeth the *Luſtre* or *Commendation* of Words.

How then ſhall I conclude? Shall I ſay, *O Fortunatos nimium ſua ſi Bona norint*: No For I ſee ye are happy in injoying them, and happy again in knowing them. But I will conclude this part with that ſaying, turned to the right hand; *Si gratum dixeris omnia dixeris*. Your gratitude contains in a word all that I can ſay to you touching this *Parliament*.

3. Part. Touching the third Point of your Speech concerning *Parliaments* I ſhall need to ſay little: For there was never that Honour done to the *Inſtitution* of *Parliament*, that his Majeſty did it in his laſt Speech making it in effect the perfection of *Monarchy*: For that although *Monarchy* was the more ancient, and be independant, yet by the advice and aſſiſtance of *Parliament* it is the ſtronger and the ſurer built.

And therefore I ſhall ſay no more of this point, but as you (Mr *Speaker*) did well note, that when the *King* ſits in *Parliament* and his *Prelates Peeres and Commons* attend him, he is in the *Exaltation* of his *Orb*: So I wiſh things may be ſo carried, that he may be then in greateſt *Serenity* and *Benignity* of *Aſpects* ſhining upon his *People* both in Glory and Grace. Now you know well that the *ſhining* of the *ſun* fair upon the Ground, whereby all things exhilarate, and do fructifie, is either hindered by *Clouds* above, or *Miſts* below; perhaps by *Brambles* and *Briars*, that grow upon the *Ground* it ſelf. All which I hope at this time will be diſpelled and removed.

4. Part. I come now to the laſt part of your Speech, concerning the *Petitions*: But before I deliver his Majeſties Anſwer reſpectively in particular; I am to ſpeak unto you, ſome few words in generall: Wherein in effect

I

I shall but glean; His *Majesty* having so excellently and fully expressed himself.

A Speech in the Parliament *to the* Speakers *Excuse.*

For that that can be spoken pertinently must be either touching the *Subject*, or *matter* of *Parliament Business*; Or of the *manner* and *Carriage* of the same Or lastly of the *Time* and the *Husbanding* and *Marshalling* of *Time*.

For the *matters* to be handled in *Parliament* they are either of *Church*, *State*, *Lawes* or *Grievances*.

For the First two, concerning *Church* or *State*, ye have heard the King himself speak, and as the *Scripture* saith, *Who is he that in such things shall come after the King?* For the other two I shall say somewhat, but very shortly.

For *Lawes*, they are Things proper for your own Element: And therefore therein, ye are rather to lead than to be led. Only it is not amiss to put you in mind of two things: The one that you do not *multiply* or *accumulate Lawes*, more than ye need. There is a Wise and Learned *Civilian* that applies the *Curse* of the *Prophet*, *Pluet super eos Laqueos*, *To multiplicity of Lawes*; For they do but ensnare and entangle the *People*. I wish rather, that ye should either revive good *Lawes* that are fallen and discontinued, or Provide against the slack execution of *Lawes*, which are already in Force; or meet with the subtile Evasions from *Lawes* which *Time* and *Craft* hath determined, than to make *Novas Creaturas Legum Lawes upon a new mould.*

The other *Point* touching Lawes is, That ye busie not your selves too much in private Bills, except it be in Cases wherein the help and Arm of ordinary *justice* is too short.

For *Grievances*, his Majesty hath with great Grace and Benignity opened himself. Nevertheless the Limitations, which may make up your *Grievances* not to beat the Air only, but to sort to a desired effect, are principally two. The one (to use his *Majesties* term) that ye do not *Hunt* after *Grievances*, Such as may seem rather to be stirred here when ye are met, then to have sprung from the desires of the Country: Ye are to *represent* the *People*; ye are not to *personate* them.

The other, that ye do not heap up *Grievances* as if *Numbers* should make a *shew* where the *Weight* is small; Or as if all things amiss (like *Platoes Common wealth*) should be remedied at once. It is certain that the best *Governments* yea, and the best of men are like the best precious Stones, wherein every flaw or Isicle or Grain are seen and noted more than in those that are generally foul and corrupted.

Therefore contain your selves within that Moderation as may appear to bend rather to the Effectual Ease of the *People*, then to a Discursive Envy, or scandal upon the *State*.

As for the *manner* of *Carriage* of *Parliament Business* ye must know that ye deal with a *King* that hath been longer *King* than any of you have been *Parliament Men*; And a *King* that is no less sensible of Formes than of *matter*; And is as far from induring Diminution of *Majesty* as from regarding *Flattery* or *Vain-glory*; And a *King* that understandeth as well the Pulse of the Hearts of People as his own Orb. And therefore, both let your grievances have a decent and Reverent Form and Stile; And (to use the words of former *Parliaments*) let them be *Tanquam Gemitus Columbæ*, without Pique or Hirthness; And on the other side, in that ye do for the *King*, Let it have a Mark, of *Unity Alacrity* and *Affection*; which will be of this Force; That whatsoever ye do in substance, will be doubled in Reputation abroad, as in a Crystal Glass.

For

A Speech in the Parliament, to the Speakers Excuses

For the time if ever *Parliament* was to be measured by the Hour-glass it is this; in regard of the instant occasion flying away irrecoverably. Therefore let your Speeches in the *House* be the Speeches of *Counsellors*, and not of *Orators*: Let your *Committees* tend to dispatch, not to dispute and so marshall the *Times* as the publique Business, especially the proper Business of the *Parliament* be put first, and private *Bills* be put last, as time shall give leave, or within the spaces of the *publique*.

For the four *Petitions* his Majesty is pleased to grant them all as liberally as the ancient and true Custom of *Parliament* doth warrant: And with the cautions that have ever gone with them; that is to say, that the priviledge be not used for defrauding of Creditors and Defeating of ordinary Justice: That *Liberty* of *Speech* turn not into License but be joyned with that Gravity and Discretion, as may taste of Duty and Love to your *Soveraign*, Reverence to your own *Assembly*, and Respect to the *matters* ye handle. That your *Accesses* be at such fit times, as may stand best with his *Majesties* pleasure and Occasions. That *mistakings*, and *misunderstandings* be rather avoided and prevented, (as much as may be) then salved or cleared.

CERTAIN

CERTAIN

OBSERVATIONS,

UPON A

LIBELL,

Published this present year, 1592.

INTITULED A

DECLARATION

Of the *TRUE CAUSES*,

OF THE

GREAT TROUBLES,

Presupposed to be intended against the

REALM of *ENGLAND*.

IT were Just and Honourable for *Princes* being in Warrs together, that howsoever they prosecute their *Quarrels* and *Debates* by *Arms* and Acts of *Hostility*, yea though the Warrs be such as they pretend the utter Ruine and Overthrow of the *Forces* and *States* one of another; yet they so limit their *Passions* as they preserve two things Sacred and Inviolable; That is the *Life* and good Name each of other. For the *Warrs* are no *Massacres* and *Confusions*; But they are the highest *Trials* of *Right*; when *Princes* and *States* that acknowledge no Superiour upon Earth, shall put themselves upon the *Justice* of *God* for the Deciding of their Controversies, by such Success, as it shall please him to give on either side. And as in the Process of particular Pleas, between private men, all things ought to be ordered by the Rules of *Civil Lawes*: So in the Proceedings of the *Warr*, nothing ought to be done against the *Law* of *Nations*, or the *Law of Honour*; Which *Lawes* have ever pronounced those two *Sorts* of *Men*; The one *Conspirators* against the *Persons* of *Princes*; The other *Libellers* against their *good Fame*, to be such Enemies of common So-

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cicty, as are not to be cherished, no not by *Enemies*. For in the Examples of Times, which were less corrupted, we find that when in the greatest Heats, and Extremities of *Wars*, there have been made Offers of *Murderous* and *Traiterous Attempts* against the *Person* of a *Prince* to the *Enemy*, they have been not only *Rejected*, but also *Revealed*. And in like manner, when *Dishonourable mention* hath been made of a *Prince*, before an *Enemy Prince* by some that have thought therein to please his Humour, he hath shewed himself contrarywise, utterly distasted therewith, and been ready to contest, for the *Honour* of an *Enemy*.

According to which Noble and Magnanimous kind of Proceeding, it will be found, that in the whole course of her *Majesties* Proceeding with the *King of Spain*, since the Amity interrupted; There was never any project by her *Majesty* or any of her *Ministers* either moved or assented unto for the taking away of the *Life* of the said *King*: Neither hath there been any *Declaration* or *Writing of Estate*; No nor *Book allowed*, wherein his *Honour* hath been touched or taxed, otherwise than for his *Ambition*; A point which is necessarily interlaced with her *Majesties* own Justification. So that no Man needeth to doubt, but that those *Wars* are grounded upon her *Majesties* part upon Just and Honourable Causes which have so Just and Honourable a prosecution; Considering it is a much harder Matter, when a Prince is entred into *Wars* to hold respect then and not to be transported with *Passion*, than to make *moderate* and *just Resolutions* in the *Beginnings*.

But now if a Man look on the other part it will appear that rather, as it is to be thought by the Solicitation of *Traiterous Subjects* (which is the onely Poyson and Corruption of all Honourable *War* between Forrainers;) or by the Presumption of his *Agents* and *Ministers* than by the proper Inclination of that *King*, there hath been, if not plotted and practised, yet at least comforted, Conspiracies against her *Majesties Sacred Person* which nevertheless *Gods Goodness* hath used and turned to shew by such miraculous Discoveries into how near and precious Care and Custody it hath pleased him to receive her *Majesties Life* and *Preservation*. But in the other Point it is strange what a number of *Libellous* and *Defamatory Books* and *Writings*, and in what Variety with what Art and cunning handled have been allowed to pass through the *World*, in all *Languages* against her *Majesty* and her *Government*; Sometimes pretending the *Gravity* and *Authority* of *Church Stories*, to move *Belief*; sometimes formed into *Remonstrances* and *Advertisements* of *Estate* to move *Regard*, sometimes presented as it were in Tragedies of the Persecutions of *Catholicks* to move *Pity*; Sometimes contrived into pleasant *Pasquils* and *Satyrs* to move sport: So as there is no shape, whereinto these Fellowes have not transformed themselves; Nor no humor nor affection in the mind of Man to which they have not applyed themselves; Thereby to insinuate their Untruths and abuses to the *World*. And indeed let a Man look into them and he shall find them the only Triumphant Lies that ever were confuted by *Circumstances* of *Time* and *Place*; Confuted by contrariety in themselves confuted by the witness of infinite persons that live yet and have had particular knowledge of the Matters: But yet avouched with such Asseveration, as if either they were fallen into that strange Disease of the Mind, which a wise Writer describeth in these words; *Fingunt simul credunque*; Or as if they had received it as a principal Precept and Ordinance of their *Seminaries*; *Audacter calumniare semper aliquid haeret*: Or as if they were of the Race which in old time were wont to help themselves

with

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with Miraculous Lies, But when the *Cause* of this is entred into, Namely; that there passeth over out of this *Realm*, a number of Eager and Unquiet *Stbellers* whom their own Turbulent, and Humourous Nature, prefleth out to seek their Adventures abroad; And that on the other side, they are nourished, rather in Listening after News and Intelligences, and in Whisperings, then in any Commendable Learning; And after a time, when either their Necessituous Estate, or their Ambitious Appetites importune them, they fall on devising how to do some acceptable service, to that side which maintaineth them. So as ever when their Credit waxeth Cold, with Forreign Princes, Or that their Pensions, are ill paid Or some Preferment is in sight, at which they level Straitwaies, out commeth a *Libel*, pretending thereby to keep in life the party which within the Realme is contrary to the State, (Wherein, they are as wise as he, that thinketh to kindle a Fire, by blowing the dead Ashes;) When I say, a man looketh into the *Cause*, and *Ground* of this plentiful yield of *Libels* he will cease to marvel, considering the Concurrence which is in the Nature of the seed, as in the travel of Tilling, and dressing; yea, and fitness, of the Season, for the Bringing up of those infectious weeds.

But, to verifie the Saying of our *Saviour*, *Non est Discipulus super Magistrum*; As they have sought to deprave her *Majesties Government*, in her self, So, have they not forgotten, to do the same, in her principal *Servants*, and *Counsellours*; Thinking belike, that as the *Immediate Invectives*, against her *Majesty*, do best satisfie the Malice, of the *Forreiner*; So the slander, and Calumniation of her *principal Counsellours*, agreed best with the Humours of some *Malecontents* within the *Realme*; Imagining also, that it was like, they would be more scattered here, and freelier, dispersed; And also should be less odious, to those *Forreigners*, which were not meerely partial, and passionate; who have, for the most part, in detestation, the *Traiterous Libellings* of *Subjects*, directly against their *Natural Prince*.

Amongst the Rest in this kind, there hath been published this present year, of 1592. a *Libel*, that giveth place to none of the Rest in *Malice* and *untruths*; Though inferiour to most of them, in penning, and Stile; The *Author* having chosen the vain of a *Lucianist*; And yet being a Counterfeit, even in that kind. This *Libel* is intituled; *A Declaration of the true causes of the great troubles, presupposed to be intended against the Realme of* England. And hath a Semblance, as if it were bent, against the Doings of her *Majesties* Ancient, and *Worthy Councellor*, the *Lord Burley*; Whose Carefulness and Paines, her *Majesty* hath used, in her *Counsels* and *Actions*, of this *Realme* for these 34: years space, in all dangerous Times; And amidst many, and mighty practises; And with such success, as our Enemies are put still, to their *Paper-shot*, of such *Libels*, as these: The memory, of whom, will remain, in this *Land*, when all these *Libels*, shall be extinct, and forgotten; According to the *Scripture*; *memoria justi cum laudibus, at Impiorum Nomen putrescet.* But it is more then evident, by the parts of the same *Book*, that the *Authors Malice*, was to her *Majesty*, and her *Government*; As may especially appear in this, That he charged not his *Lordship* with any particular *Actions* of his private Life; (Such power had Truth;) Wherreas, the *Libels* made against other *Counsellors* have, principally, insisted upon that part: But hath only wrested, and detorted such *Actions* of *State*, as in Times of his Service, have been Mannaged; And depraving them, hath ascribed, and imputed to him, the Effects that have followed; Indeed, to the *Good* of the *Realm*, and the *Honour* of her *Majesty*; Though, sometimes, to the *Provoking* of the *Malice*, but *Abridg-*

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ing of the *Power*, and *Means*, of Desperate, and Incorrigible *Subjects*.

All which *Slanders*, as his *Lordship* might justly despise; Both for their Manifest *Untruths*, and for the *Baseness*, and *Obscurity*, of the *Author*; So nevertheless, according to the Moderation, which his *Lordship* useth, in all Things; Never claiming the Priviledge, of his Authority, when it is Question, of satisfying the *World*; He hath been content, and that they be not passed over, altogether, in Silence: Whereupon, I have, in particular Duty to his *Lordship*, amongst others that do Honour, and Love, his *Lordship*; And that have diligently, observed his *Actions*; And in *Zeal* of *Truth*, collected, upon the *Reading*, of the said *Libel*, certain *Observations*; Not in Form, of a just Answer, lest, I should fall into the Error, whereof *Salomon*, speaketh thus; *Answer not a Fool, in his own kind, least thou also be like him*; But only, to discover the Malice, and to reprove, and convict the Untruths, thereof.

The Points, that I have observed, upon the *Reading*, of this *Libel*, are these following.

1. Of the *Scope*, or *Drift*, of the *Libeller*.
2. Of the present *Estate*. of this *Realm*, of *England*; whether it may be truly avouched, to be *Prosperous*, or *Afflicted*.
3. Of the *Proceedings*, against the pretended *Catholiques*, whether they have been *Violent*; or moderate, and necessary.
4. Of the *Disturbance*, of the *Quiet*, of *Christendom*; And to what *Causes*, it may be justly imputed.
5. Of the *Cunning*, of the *Libeller*, in *Palliation*, of his Malicious *Invective*, against her *Majesty*, and the *State*, with pretence, of taxing only, the Actions, of the *Lord Burleigh*.
6. Certain true General Notes, upon the *Actions*, of the *Lord Burleigh*.
7. Of diverse *particular Untruths*, and *Abuses*, dispersed through the *Libel*.
8. Of the *Height* of *Impudency*, that these Men, are grown unto, in *Publishing*, and *Avouching*, *Untruths*; with a *particular Recital*, of some of them, for an *Assay*.

1. Of the *Scope*, or *Drift* of the *Libeller*.

It is good Advice, in dealing, with Cautelous, and Malicious, persons; Whose Speech, is ever at distance, with their Meanings; *Non quid dixerint, sed quò spectârint, videndum*: A Man, is not to regard, what they affirm, or what they hold; But, what they would convey, under the pretended Discovery, and what turn they would serve. It soundeth strangely in the Eares, of an *English Man*; That the Miseries of the *present State* of *England*, exceed them of former times, whatsoever. One would straight-way think with himself; Doth this Man believe what he saith? Or not believing it, doth he think it possibl, to make us believe it? Surely, in my conceit, neither of both; But his End, no doubt, was, to round the *Pope*, and the *King* of *Spain*, in the Eare, by seeming, to tell a tale, to the *People* of *England*. For such Book, are ever wont, to be translated, into divers *Languages*: And, no doubt, the Man, was not so simple, as to think, he could perswade, the *People* of *England*, the Contrary, of what they tast, and feel. But he thought he might better abuse, the States, abroad, if he directed his Speech to them, who could best convict him, and disprove

disprove him if he said untrue: So that, as *Livy* saith, in the like case; *Ætolos, magis, coram quibus verba facerent, quam ad quos, pensi habere: That the* Aætolians, *in their Tale, did more respect those, which did over-hear them, then those, to whom they directed their Speech*; So, in this matter, this Fellow, cared not, to be counted a *Lier*, by all *English*, upon Price, of Deceiving of *Spain* and *Italy*, For it must be understood, that it hath been, the generall Practise, of this kind of Men, many years of the one side, to abuse, the forrain Estate, by making them believe, that all is out of Joynt, and Ruinous, here in *England*. And that, there is great part ready to joyn with the *Invader*: And, on the other side, to make *Evil Subjects*, of *England*, believe, of great *Preparations abroad*, and in great readiness, to be put in Act, And so to deceive, on both sides: And this, I take to be, his *Principal Drift*. So again, it is an extravagant, and incredible Conceit, to Imagine, that all the *Conclusions*, and *Actions*, of *Estate*, which have passed, during her *Majesties Raign*, should be ascribed, to one *Counsellor* alone; And to such an one, as was never noted, for an *Imperious*, or *Overruling*, Man: And to say, that though, He carried them, not by Violence, yet he compassed, them by Devise; There is no Man of *Judgement*, that looketh into the Nature of these Times, but will easily descry, that the Wits, of these Dayes, are too much refined, for any Man, to walk Invisible: Or to make all the World his Instruments; and therefore, no not in this point, assuredly the *Libeller* spake as he thought, But this he foresaw, that the *Imputation* of *Cunning* doth breed *Suspicion*; And the *Imputation* of *Greatness* and *Sway* doth breed *Envy*, And therefore, finding where he was most wrong, and by whose policy and Experience, their plots were most crossed, the mark he shot at was to see whether he could heave at his *Lordships Authority*, by making him suspected to the *Queen*, or generally odious to the Realme: Knowing well enough, for the one point, that there are not only *Jealousies*, but certain *Revolutions* in *Princes minds*: So that it is a rare vertue in the *Rarest Princes*, to continue constant to the End, in their Favours and Employments. And knowing for the other point, that Envy ever accompanieth *Greatness*, though never so well deserved: And that his *Lordship* hath alwaies marched a Round and a Real Course in service: And as he hath not moved *Envy* by *Pomp* and *Ostentation*; so hath he never extinguished it by any *Popular*, or *Insinuative Carriage* of himself: And this no doubt was his *Second Drift*,

A Third *Drift*, was to assay if he could supplant and weaken, (by this violent kind of *Libelling*, and turning the whole *Imputation*, upon his *Lordship*,) his Resolution and Courage; And to make him proceed more cautelously, and not so throughly and strongly against them; Knowing his *Lordship* to be a *Pollitick Man*, and one, that hath, a *great Stake* to *leese*.

Lastly, least while I discover *Cunning*, and *Art*, of this Fellow, I should make him Wiser then he was, I think a great part of this *Book* was Passion; *Difficile est tacere, cùm doleas*. The *Humours* of these *Men* being of themselves eager and Fierce, have by the Abort, and Blasting of their Hopes, been blinded and enraged. And surely this *Book*, is of all that Sort, that have been written of the meanest work-man-ship; Being fraughted with sundry *base Scoffs*, and *cold Ampifications*, and other *Characters* of Despite; But void of all *Judgment* or *Ornament*.

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2. *Of*

Observations upon a Libell, *published In* Anno. 1592.

2. *Of the present* Estate *of this* Realm *of* England *whether it may be truly avouched to be* prosperous, *or* Afflicted.

THe *Benefits* of *Almighty God* upon this *Land*, since the time that in his singular providence he led as it were by the hand and placed in the *Kingdome*, his *Servant* our *Queen Elizabeth*, are such as not in Boasting, or in Confidence of our selves, but in praise of his *Holy Name* are worthy to be both considered and confessed; yea and registred in perpetual Memory: Notwithstanding, I mean not after the manner of a *Panegyrick* to *Extol the present Time*. It shall suffice onely, that those *Men*, that through the Gall and Bitternes of their own Heart have lost their *Taste*, and *Judgement*; And would deprive *God* of his *Glory* and us of our *sences* in affirming our *Condition* to be *Miserable*; and full of Tokens of the *Wrath* and *Indignation* of *God*, be reproved.

If then it be true, that *Nemo est Miser, aut Felix nisi comparatus*; Whether we shall (keeping our selves within the compas of our own *Island*) look into the *Memories* of *Times past*; Or at this present time, take a view of other *States* abroad in *Europe*: We shall find that we need not give place to the *Happiness* either of *Ancestours* or *Neighbours*. For if a Man weigh well all the *Parts* of *State and Religion*, *Lawes*, *Administration* of *Justice*, *Pollicy of Government*, *Manners*, *Civility*, *Learning and Liberal Sciences*, *Industry and Manual Arts*, *Arms and Provisions of Wars* for *Sea* and *Land*, *Treasure*, *Traffique*, *improvement of* the *Soyl*, *Population*, *Honour and Reputation*, It will appear that taking one part with another, the *State* of this *Nation*, was never more Flourishing.

It is easie to call to *Remembrance* out of *Histories* the Kings of *England* which have in more ancient times enjoyed greatest *Happiness*; Besides her *Majesties Father* and *Grandfather*, that raigned in rare *Felicity* as is fresh in Memory. They have been *K. Henry* 1. *K. Hen.* 2. *K. Hen.* 3. *K. Edw.* the 1. *K. Edw.* the 3. K. *Henry* the 5. All which have been *Princes* of Royal vertue, Great Felicity and Famous Memory. But it may be truely affirmed without derogation to any of these worthy *Princes*, that whatsoever we find in Libels there is not to be found in the *English Chronicles*, a *King* that hath in all respect laid together, raigned with such felicity as her *Majesty* hath done. For as for the *first* 3. *Henries*; The first came in too soon after a *Conquest*: The *Second* too soon after an *Usurpation*; And the *Third* too soon after a *League*, or *Barons War*; To raign with *Security* and Contentation. *King H.* 1. also had unnatural Wars with his *Brother Robert*, wherein much *Nobility* was consumed: He had therewithal tedious Wars in *Wales*; And was not without some other Seditions and Troubles; As namely the great Contestation, of his *Prelates*. *King Henry* 2. his *Happiness* was much deformed by the *Revolt* of his son *Henry* after he had associated him, and of his other *Sonns*. *King Hen.* 3. besides his continual Wars in *Wales* was after 44. years raign unquieted, with Intricate Commotions of his *Barons*; As may appear by the *Mad Parliament*, held at *Oxford*, and the *Acts* thereupon ensuing. His Son, *King Edward* 1. had a more flourishing Time then any of the other; came

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to his Kingdom at ripe years, and with great Reputation, after his voyage into the *Holy Land*, and was much loved and obeyed, contrived his Wars with great Judgement: First having *reclaimed Wales* to a settled Allegiance; And being upon the point of uniting *Scotland*. But yet I suppose it was more honour for her *Majesty* to have so important a piece of *Scotland* in her hand; And the same with such Justice to render up, than it was for that worthy *King* to have advanced in such Forwardness the *Conquest* of that Nation. And for *King Edward* 3. his Reign was visited with much *Sickness* and *Mortality*, so as they reckoned in his dayes three several Mortalities: One in the 22. year, another in the 35. year, and the last in the 43. year of his *Reign*: and being otherwise victorious and in Prosperity, was by that only Cross more afflicted, than he was by the other prosperities comforted. Besides, he entred hardly, and again, according to the Verse; *Cecidant ultima primis*: His Latter times were not so prosperous. And for *King Henry* 5. as his success was wonderfull, so he wanted continuance; Being extinguished after 10. years *Reign* in the prime of his *Fortunes*.

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Now for her *Majesty* we will first speak of the Blessing of Continuance as that which wanted in the happiest of these Kings: And is not only a great favour of *God* unto the *Prince*, but also a singular *Benefit* unto the People; For that Sentence of the Scripture: *Misera Natio cùm multi sunt principes ejus*: is interpreted not only to extend to *Divisions* and *Distractions* in *Government* but also to frequent Changes in *Succession*: Considering that the Change of a *Prince* bringeth in many Charges, which are *Harsh* and *Unpleasant* to a great part of the Subjects. It appeareth then that of the Line of Five hundred and fourescore years, and more containing the Number of 22. *Kings*, God hath already prolonged her Majesties Raign to exceed *sixteen* of the said two and twenty: And by the end of this present year, (which *God prosper*) she shall attain to be equal with two more: During which time there have deceased *four Emperors*, as many *French Kings*; Twice so many *Bishops* of *Rome*. Yea every State in *Christendome* except *Spain*, have received sundry successions: And for the King of *Spain* he is waxed so infirm, and thereby so retired, as the Report of his Death serveth for every years News: whereas her *Majesty* (thanks be given to *God*) being nothing decayed in Vigour of Health, and strength, was never more able to supply and sustain the weight of her Affairs; And is as far as standeth with the dignity of her *Majesties Royal State* continually to be seen to the great comfort and hearty Ease of her people.

1 Continuance

Secondly we will mention the *Blessing* of *Health*: I mean generally of of the people, which was wanting in the Reign of another of these *Kings*: which else deserved to have the second place in happiness which is one of the great *Favours* of *God* towards any *Nation*. For as there be three *Scourges of God War*, *Famine*, and *Pestilence*; so are there three *Benedictions Peace*, *Plenty*, and *Health*. Whereas therefore this *Realm* hath been visited in times past with sundry kinds of *Mortalities* (as *Pestilences Sweats*, and other *Contagious Diseases*) it is so, that in her *Majesties* Times being of the continuance aforesaid, there was only towards the beginning of her *Reign* some *Sickness*, between *June* and *February*, in this *City*; but not dispersed into any other part of the Realm, as was noted; which we call yet the great *Plague*; Because that though it was nothing so grievous and so sweeping as it hath been, sundry times heretofore; yet it was great in respect of the Health, which hath followed since; Whilst hath

2. Health.

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hath been such (especially of late years) as we began to dispute and move Questions of the *Causes*, whereunto it should be ascribed; untill such time as it pleased *God* to teach us that we ought to ascribe it only to his *Mercy*; By touching us a little this present year; but with a very gentle hand; And such as it hath pleased him since to remove. But certain it is for so many years together, notwithstanding the great *Pestering* of People in *Houses*; The great *Multitude* of *Strangers*, and the *sundry voyages by Seas*; (*All* which have been noted, to be *Causes of Pestilence*) The *Health Universal* of the *People* was never so good.

3. Peace.

The third *Blessing* is that which all the *Politick* and *Fortunate* Kings before recited have wanted; That is *Peace*: For there was never Forreiner since her *Majesties Reign* by *Invasion* or *Incursion* of *Moment*, that took any footing within the *Realm* of *England*. One *Rebellion* there hath been only, but such an one as was repressed within the space of seven weeks, and did not waste the *Realm* so much as by the Destruction or Depopulation of one *poor* Town. And for *Wars* abroad taking in those of *Leeth* those of *New-haven*, the second *Expedition into Scotland*, the *Wars* of *Spain*, which I reckon from the year 86, or 87. (before which time neither had the *King of Spain* withdrawn his *Embassadours* here residing; neither had her *Majesty* received into protection the *united Provinces* of the *Low Countries*) And the *Aid* of *France*; They have not occupied in time, a third part of her *Majesties Reign*; Nor consumed past two of any *Noble House*; whereof *France* took one, and *Flanders* another: And very few besides of *Quality* or appearance. They have scarce mowed down the overcharge of the *People* within the *Realm*. It is therefore true that the *Kings* aforesaid and others her *Majesties Progenitors*, have been *Victorious* in their *Wars*; And have made many *Famous* and *Memorable Voyages*, and *Expeditions* into sundry parts; And that her *Majesty* contrariwise, from the beginning put on a firm Resolution to content her self within those limits of her *Dominions*, which she received; And to entertain *Peace* with her *Neighbour Princes* which Resolution she hath ever since (notwithstanding, she hath had *Rare Oportunities*, *just Claims and pretences* and *great and mighty Means*) sought to continue. But if this be objected to be the less *Honourable Fortune*; I answer, that ever amongst the *Heathen* who held not the Expence of *Blood* so precious as *Christians* ought to do; The peaceable Government of *Augustus Cæsar* was ever as highly esteemed as the *Victories* of *Julius* his Uncle; and that the Name of *Pater Patriæ* was ever as *Honourable* as that of *propagator Imperij*. And this I add further, that during this inward *Peace* of so many years in the Actions of *War*, before mentioned, which her *Majesty* either in her own *Defence* or in *Just* and *Honourable Aids*, hath undertaken; The *Service* hath been such as hath carried no Note of a *People*, whose *Militia* were degenerated through *Long Peace*; But hath every way answered the ancient *Reputation* of the *English Arms*.

4 Plenty and Wealth. 1.

The fourth *Blessing* is *Plenty* and *Abundance*: And first for *Grain*, and all *Victuals*, there cannot be more evident Proof of the *Plenty* then this. That whereas *England* was wont to be fed by other *Countries* from the *East*, it sufficeth now to feed other *Countries*. So as we do many times transport and serve sundry *Forrain Countries*; And yet there was never the like *Multitude* of *People* to eat within the *Realm*. Another *evident Proof* thereof may be, that the good yields of *Corn* which have been together with

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some *Toleration* of *Vent* hath of late time invited and enticed Men, to break up more *Ground*, and to convert it to *Tillage*, then all the *Penal Laws* for that purpose made and enacted, could ever by compulsion effect. A third proof may be that the *Prices* of *Grain* and *Victual*, were never of late years, more *Reasonable*. Now for Arguments of the great *wealth* in all other Respects, let the *Facts* following be considered.

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There was never the like Number of fair and Stately *Houses* as have been built and set up from the Ground since her *Majesties Reign*; Insomuch that there have been reckoned in one *Shire*, that is not great, to the Number of 33. Which have been all new built within that time: And whereof the Meanest, was never built for *two thousand pounds*. 3.

There were never the like pleasures of goodly *Gardens*, and *Orchards*, *Walks*, *Pools*, and *Parks*, as do adorn almost every *Mansion House*.

There was never the like Number of Bautiful and Costly *Tombs* and *Monuments*, which are erected in sundry *Churches*, in *Honourable Memorie* of the *Dead*. 4.

There was never the like Quantity of *Plate*, *Jewels*, *Sumptuous Moveables*, and *Stuff*, as is now within the *Realm*. 5.

There was never the like Quantity of *Waste* and *unprofitable Ground*, *Inned*, *Reclaimed* and *Improved*. 6.

There was never the like *Husbanding* of all sorts of *Grounds* by *Fencing*, *Manuring*, and all kinds of good *Husbandry*.

The *Towns* were never better built nor peopled; Nor the principal *Fairs* and *Markets*, never better customed nor frequented. 7.

The Commodities and Ease of *Rivers* cut by hand, and brought into a new *Channel*; Of *Peers*, that have been built; Of *Waters* that have been forced, and brought against the *Ground*, were never so many. 8. 9.

There was never so many excellent *Artificers*, nor so many new *Handy-Crafts*, used and exercised; Nor new *Commodities* made within the *Realm*, *Sugar*, *Paper*, *Glass*, *Copper*, divers *Silks* and the like.

There was never such Compleat and Honourable Provision of *Horse*; *Armour*, *weapons Ordnance* of the *War*. 10.

The Fifth *Blessing* hath been the great *Population* and *Multitude* of *Families*, encreased within her *Majesties* dayes: For which Point, I refer my Self to the *Proclamations* of *Restraint* of *Building* in *London*; The *Inhibition*, of *Inmates*, of sundry *Cities*, The *Restraint* of *Cottages* by Act of Parliament; And sundry other *Tokens* of *Record*, of the *Surcharge* of *people*. 11. 5. Increase of People.

Besides these parts of a *Government*, blessed from *God*, wherein the *Condition* of the *People* hath been more happy in her *Majesties* Times, then in the Times of *Progenitors*; There are certain Singularities, and Particulars, of her *Majesties Reign*, wherein I do not say, that we have enjoyed them in a more ample Degree and Proportion, then in former Ages, (As it hath fallen out in the Points before mentioned;) But such as were in Effect unknown, and untasted heretofore. As first, the *Purity of Religion*, which is a *Benefit Inestimable*; And was in the time of all former *Princes*, untill the dayes of her *Majesties Father* of *Famous Memory*, unheard of. Out of which Purity of *Religion*, have since ensued beside the principal Effect, of the true *Knowledg* and *Worship* of God, three *points* of great *Consequence* unto the *Civil Estate*. 6. Reformation in Religion

One, the lay of a mighty *Treasure* within the *Realme* which in foretimes 1. The special Benefits established among us by the purity of Religion.

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was drawn forth, to *Rome*. Another, the *Dispersing* and *Distribution* of those *Revenues*; Amounting to a *Third part* of the *Land* of the *Realme*; And that of the goodliest and richest sort, which heretofore was unprofitably spent in *Monestaries*; Into such Hands as by whom, the *Realm* receiveth, at this day, *Service* and *Strength*; And many Great *Houses* have been set up and augmented. The Third, the *Managing*, and *Enfranchising* of the *Regal Dignity*, from the *Recognition* of a *Forreign Superiour*: All which *Points*, though begun by her *Father*, and continued by her *Brother*, were yet nevertheless, after an Eclipse, or Intermission, Restored, and Reestablished, by her *Majesties Self*.

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Fineness of Money.

Secondly, the *Fineness* of *Money*: For as the Purging away of the *Dross* of *Religion*, the *Heavenly Treasure*, was common to her *Majesty*, with her *Father*, and her *Brother*: So the Purging of the *Base Money*, the *Earthly Treasure*, hath been altogether proper to her *Majesties* own Times; Whereby our *Moneyes*, bearing the *Natural Estimation*, of the *Stamp*, or Mark, both every Man resteth assured of his own value, and free from the losses and Deceits which fall out in other places upon the Rising and Falling of *Monies*.

The Might of the Navy.

Thirdly, the Might of the *Navy*, and *Augmentation*, of the *Shipping* of the *Realme*: which by politicke *Constitutions* for Maintenance of *Fishing*, And the *Encouragement* and *Assistance* given to the *Undertakers*, of *New Discoveries*, and *Trade*, by *Sea*, is so advanced, as this *Island* is become, (as the Naturall *Scite* thereof deserveth,) the *Lady of the Sea*.

Now to pass from the *Comparison* of *Time*, to the *Comparison* of *place*; We may find in the States abroad; Cause of *Pitty* and *Compassion* in some; But of *Envy*, or *Emulation* in none; Our Condition being, by the good Favour of *God*, not *Inferiour* to any.

Comparison the state of England with the states abroad.

Afflicted in France.

The *Kingdom* of *France*, which by reason of the *Seat* of the *Empire* of the *West*, was wont, to have the precedence, of the *Kingdoms* of *Europe*, is now fallen into those Calamities; that as the *Prophet* saith; *From the Crown of the Head to the Soal of the Foot, there is no whole place.* The *Divisions* are so many, and so intricate, of *Protestants*, and *Catholicks*; *Royalists*, and *Leaguers*; *Burbonists*, and *Lorainists*; *Patriots*, *and Spanish*; As it seemeth, God hath some great Work to bring to pass upon that *Nation*: yea, the *Nobility* divided from the *Third Estate*; And the *Towns* from the *Fields*: All which *Miseries*, truly to speak, have been wrought by *Spain*, and the *Spanish Faction*.

Low-Countries.

The *Low-Countries*, which were within the *Age* of a *young* Man, the Richest, the best Peopled, and the best Built Plots of *Europe*, are in such Estate, as a *Countrey* is like to be in that hath been the Seat of thirty years *War*; And although the *Sea-Provinces* be rather encreased in *Wealth* and *Shipping* then otherwise: yet they cannot but mourn for their *Distractions* from the rest of their *Body*.

Portugal.

The *Kingdom* of *Portugal*, which, of late times, through their Merchandizing, and places of the *East Indies*, was grown to be an Opulent *Kingdom*, is now at the last, after the unfortunate journey of *Africk*, in that *State* as a *Countrey* is like to be, that is reduced under a *Forreigner* by *Conquest*; And such a *Forreiner* as hath his *Competiter* in *Title*, being a *Natural Portugal*, and no *Stranger*; And having been once in possession, yet in Life: whereby his *Jealousie*, must needfully be encreased, and through his Jealousie, their oppression: which is apparent, by the Carrying of many *Noble Families*, out of their *Natural Countreys*, to live in Exile: And by putting to Death, a great Number of *Noble Men*, naturally born to have been *principal Governors* of their Countries.

tries. These are three *Principal parts* of *Christendome*; The Rest of the States, enjoy, either *Prosperity*, or tolerable *Condition*.

Diffrentions as was a Libel, published, in Anno. 1,92.

The *Kingdom* of *Scotland*, though at this present, by the good *Regiment* and wise proceeding of the *King*, they enjoy good quiet; yet since our Peace, it hath passed through no small *Troubles*; And remaineth, full of *boiling* and *swelling* Humours; But like, by the Maturity of the said *King* every day encreasing, to be repressed.

Prosperous as Scotland.

The *Kingdom* of *Poland*, is newly recovered out of great Wars, about an *Ambiguous Election*. And besides, is a *State* of that Composition that the *Kings* being *Elective* they do commonly chuse rather a *Stranger* than one of their own *Country*. A great Exception, to the Flourishing Estate of any *Kingdom*.

Poland.

The *Kingdom* of Swedeland besides their Forrain *Wars*, upon their *Confines*, the *Moscovites* and the *Danes*; Hath been also subject to divers Intestine Tumults and Mutations, as their *Stories* do record.

Sweden.

The *Kingdome* of *Denmark*, hath had good Times, especialy by the *government* of the late *King*, who maintained the profession of the *Gospel*; but greatly giveth place to the *Kingdom* of *England*, in *Climate*, *Aire*, *Fertility*, and many other Points, both of Honour, and Strength.

Denmark.

The *Estates* of *Italy*, which are not under the *Dominion* of *Spain*, have had peace equal in continuance with ours; Except in regard of that which hath passed between them and the *Turk*; Which hath sorted to their Honour, and Commendation: But yet they are so bridled, and over-awed by the *Spaniard*, that possesseth the two principal *Members* thereof; And that in the two extream parts, as they be like *Quilles* of Freehold, being intermixed, in the midst of a great *Honour* or Lordship. So as their *Quiet*, is intermingled, not with *Jealousie* alone, but with *Restraint*.

Italy.

The *States* of *Germany* have had for the most part, peaceable Times; But yet they yeld to the *State* of *England*; Not only in the great Honour of a great *Kingdome*, (they being of a mean *Stile* and Dignity,) but also in many other Respects, both of *Wealth* and *Power*.

Germany.

The *State* of *Savoy*, having been in the Old Dukes Time, governed, in good Prosperity, hath since, notwithstanding, their new great Alliance with *Spain*, whereupon they waxed Insolent, to designe to inach up some piece of *France*, After the dishonourable Repulse, from the *Siege* of *Geneva*, been often distressed, by a *particular Gentleman* of *Dauphiny*; And at this present day, the *Duke* feeleth, even in *Piedmont*, beyond the Mountains the weight of the same Enemy: Who hath lately shut up the Gates, and common Entries, between *Savoy* and *Piedmont*.

Savoy.

So as hitherto I do not see but that we are as much bound to the *Mercies* of God, as any other *Nation*; Considering that the Fires of Dissention, and Oppression in some *Parts* of *Christendom*, may serve us for *Lights*, to shew us our *Happinesse*: And the good *Estates* of other *places*, which we do congratulate with them for; is such, nevertheless, as doth not stain and exceed ours: But rather doth still leave somewhat, wherein we may acknowledge an ordinary *Benediction* of God.

Spain.

Lastly, we do not much emulate, the *Greatness* and *Glory* of the *Spaniards*: Who having not only *Excluded* the *Purity* of *Religion*, but also *Fortified* against it, by their *Decrese* of the *Inquisition*, which is a *Bulwark*, against the *Entrance*, of the *Truth* of God: Having in

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recompence of their new *purchase of Portugal* lost a great part of their ancient *Patrimonies* of the *Low-Countries*, (Being of far greater *Commodity* and *Valew*) or at the least holding part thereof in such sort as most of their other Revenues are spent there upon their own: Having lately with much Difficulty, rather smoothed and skinned over then Healed, and extinguished the *Commotions* of *Arragon*; Having rather sowed *Troubles* in *France* then reaped Assured *Fruit* thereof unto themselves: having from the *Attempt* of *England*, received *Scorn*, and *Disreputation*; Being at this time with the States of *Italy* rather suspected then either loved or feared: Having in *Germany* and elsewhere, rather much *practise*, than any sound *intelligence* or *Amity*: Having no such *clear succession* as they need object, and reproach the *Incertainty* thereof unto another Nation: Have, in the end won a Reputation, rather of *Ambition*, then *Justice*; And in the pursuit of their *Ambition* rather of *much enterprising* then of *Fortunate Atchieving*, and in their *Enterprising* rather of doing Things, by *Treasure*, and *Expence*, than by *Forces* and *Valour*.

Now, that I have given the *Reader* a Taste of *England* respectively, and in Comparison of the *Times past*, and of the *States abroad*; I will descend to examine the *Libellors* own *Divisions*; Whereupon let the *World* judge how easily and clean this *Inke*, which he hath cast in our faces, is washed off.

The First *Branch* of the *pretended Calamities* of *England*, is the great and wonderfull *Confusion*, which he saith is in the State of the *Church*; which is subdivided again into two parts: The one the *Prosecutions* against the *Catholicks*; The other the *Discords and controversies amongst our selves*: The former of which 2. parts, I have made an *Article* by it self; Wherein, I have set down a clear and simple *Narration* of the *proceedings* of *State*, against that sort of *Subjects*; Adding this by the way: That there are two *Extremities* in *State*, concerning the *Causes* of *Faith* and *Religion*: That is to say, the *Permission* of the Exercises of more *Religions* than one, which is a dangerous *Indulgence and Toleration*, the other is the entring and *Sifting* into Mens Consciences when no *Overt Scandal* is given; which is *Rigorous* and *Straineable Inquisition*: And I avouch the proceedings towards the intended *Catholicks*, to have been a mean between these two *Extremeties*; Referring the Demonstration thereof unto the aforesaid *Narration* in the Articles following.

Concerning the Corroversie of our Church.

Touching the Divisions in our *Church*, the *Libeller* affirmeth that the *Protestantical Calvinism* (for so it pleaseth him with very good grace to to term the *Religion* with us established) is grown *Contemptible* and *Detected* of *Idolatry* and *Heresie*, and many other *superstitious Abuses*, by a *Purified sort of Professors* of the same *Gospel*. And this *Contention* is yet grown to be more intricate, by reason of a Third kind of *Gospellers* called Brownists. Who being directed by the great *Fervour* of the *Unholy Ghost*, do expresly affirm, that the *Protestantical Church* of *England* is not gathered in the name of *Christ*, but of *Antichrist*: And that if the *Prince* or *Magistrate* under her do refuse or defer to reform the *Church*, the people may without her consent take the *Reformation* into their own Hands: And hereto he addeth the *Fanatical* Pageant of *Hacket*: And this is the Effect of this *Accusation* in this point.

For *Answer* whereunto; First, it must be remembred that the *Church of God*, hath been in all Ages subject to *Contentions* and *Schismes*. The *Tares* were not sown, but where the *Wheat* was sown before. Our *Sa-*

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viour Christ delivereth it for an *Ill Note*, to have outward Peace, saying *When a strong man is in possession of the House (meaning the* Devill*) all things are in peace.* It is the Condition of the *Church*, to be ever under *Trials*: And there are but two Trials: The one of Persecution; The other of Scandal and Contention: And when the one ceaseth, the other succeedeth: Nay there is scarce any one *Epistle* of St. *Pauls* unto the *Churches*, but containeth some *Reprehension* of *unnecessary and Schismatical Controversies.* So likewise in the *Reign of Constantine the great*, after the the time that the *Church* had obtained *Peace from persecution* strait entred sundry *Questions* and *Controversies*, about no less Matters then the *Essential Parts*, of the *Faith*, and the high *Mysteries* of the *Trinity*. But Reason teacheth us that in *Ignorance*, and *Implyed belief*, it is easie to agree as Co'ours agree in the Dark: Or if any *Countrey* decline into *Atheism* then *Controversies* wax dainty because Men do think *Religion* scarce worth the falling out for: So as it is weak *Divinity* to account Controversies an ill *Sign* in the *Church*.

It is true that certain men moved with an inconsiderate *Detestation* of all Ceremonies or Orders, which were in use in time of the *Roman Religion* (*As* if they were without difference superstitious or polluted) and led with an affectionate Imitation of the *Government* of some *Protestant Churches* in *Forrain States*; Have sought by *Bookes* and Preaching indiscreetly, and sometimes undutifully to bring in an *Alteration* in the *Extern* Rites and Pollicy of the *Church*; But neither have the grounds of the Controversies extended unto a point of *Faith*; Neither hath the pressing and *Prosecution* exceeded in the generallity the *Nature* of some inferiour *Contempts* So as they have been farr from *Heresie* and *Sedition*, and therefore rather *Offensive* than *Dangerous* to the *Church* or *State*.

And as for Those which we call *Brownists* being when they were at the most a very small Number of very silly and base people, here and there in Corners dispersed, they are now (thanks be to God) by the good Remedies that have been used suppressed and worn out; so as there is scarce any Newes of them. Neither had they been much known at all, had not *Brown* their *Leader Written a Pamphlet*, wherein as it came into his head he inveighed more against *Logick* and *Rhetorick* than against the *State* of the *Church* (which Writing was much read) and had not also one Barrow (being a Gentleman of a good *House*, but one that lived in *London* at Ordinaries, and there learned to argue in *Table-Talk*, and so was very much known in the *City and abroad*) made a Leap from a vain and Libertine youth, to a preciseness in the highest Degree; The strangeness of which Alteration made him very much spoken off; The Matter might long before have breathed out. And here I note an *Honesty* and *Discretion* in the *Libeller*, which I note no where else; In that he did forbear to lay to our charge the Sect of the *Family* of *Love*: For about 12. years since there was creeping in some secret places of the *Realm* indeed a very great *Heresie* derived from the *Dutch*, and named as before was said: which since by the good blessing of God, and by the good strength of our *Church* is banished and extinct. But so much we see that the *Diseases* wherewith our *Church* hath been visited, whatsoever these men say have either not been *Maligne* and *Dangerous*; Or else they have been as *Blisters* in some small Ignoble part of the *Body*, which have soon after fallen and gone away. For such also was the *Phrenetical* and *Fanatical* (For I mean not to determine it) *Attempt* of *Hacket*; Who must needs have been thought a very Dan-

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dangerous Heretick, that could never get but two Disciples; And those as it should seem perished in their Bram; And a Dangerous Commotioner that in so great and populous a City as London is could draw but those same two Fellow, whom the People rather laughed at as a May-game, than took any heed of what they did or said: So as it was very true that an honest plain Woman said when she saw Hacket out of a Window pass to his Execution: Said she to her self; It was foretold that in the latter dayes there should come those that have deceived many; but in faith these have deceived but a few.

But it is manifest Untruth which the Libeller setteth down, that there hath been no Punishment done upon those which in any of the said kinds have broken the Lawes and disturbed the Church and State. And that the Edge of the Law hath been onely turned upon the Protestant Subjects. For the Examples are very many, where according to the Nature and Degree of the Offence, the Correction of such Offenders hath not been neglected.

Take for the great Confusion, whereof he hath accused our Church; which I refer to the Judgement of an indifferent and understanding person, how true they be: My meaning is not to blanch or excuse any Fault of our Church; Nor on the other side, to enter into Commemoration, how flourishing it is in Great and Learned Divines, or painfull and excellent Preachers: Let man have the Reproof of that which is amiss, and God the Glory of that which is good. And so much for the First Branch.

Concerning the Forrain Enemies of this State.

In the Second Branch, he maketh great Alude s and Shewes of the strength and multitude of the Enemies of this State: Declaring in what evil Termes, and Correspondence we stand with Forraign States, and how desolate and destitute we are of Friends and Confederates, doubting belike, how he should be able to prove and justifie his Assertion touching the present miseries, and therefore endeavouring at the least to maintain that the good Estate which we enjoy is yet, made somewhat bitter by reason of many Terrours and Fears. Whereupon entring into Consideration of the security wherein not by our own policy, but by the good Providence and protection of God, we stand at this Time, I do find it to be a Security of that Nature and Kind, which Iphicrates the Athenian did commend; who being a Commissioner to treat with the State of Sparta upon Conditions of Peace; And hearing the other side make many propositions touching Security; Interrupted them and told them; There was but one manner of Security, whereupon the Athenians could rest; which was, if the Deputies of the Lacedemonians could make it plain unto them, that after these & these things parted withal, the Lacedemonians should not be able to hurt them though they would. So it is with us, as we have not, justly provoked the Hatred or Enmity of any other State, so howsoever that be, I know not at this time, the Enemy, that hath power to offend us though he had the Will.

And whether we have given just Cause of Quarrel or Offence, it shall be afterwards touched in the fourth Article, touching the true Cause of the Disturbance of the Quiet of Christendome; As far as it is fit to justifie the Actions of so high a Prince upon the Occasion of such a Treatise as this. But now concerning the Power and Forces of an Enemy, I do find that England hath sometimes apprehended with Jealousie, the Confederation between France and Scotland: The one being upon the same Continent that we are, and breeding a Soldier of Puissance and Courage, not much differing from the English: The other a Kingdom very Opulent, and thereby able to sustain Wars, though at very Great Charge: And having a brave Nobili-

ty,

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ty; And being a near Neighbour. And yet for this *Conjunction*, there never came any *Offence* of *Moment*. But *Scotland* was ever rather used by *France* as a Diversion of an *English Invasion* upon *France*, than as a Commodity of a *French Invasion* upon *England*. I confess also that since the *Union* of the *Kingdom* of *Spain*: and during the time the *Kingdom* of *France* was in his Entire, a *Conjunction* of those two potent Kingdoms against us might have been of some *Terrour* to us. But now it is evident that the State of *France* is such as both those *Conjunctions* are become Impossible: It resteth that either *Spain with Scotland* should offend us, or *Spain* alone, For *Scotland* (thanks be to God) the *Amity* and *Intelligence* is so sound and secret between the two *Crowns*, Being strengthened by *Consent* in *Religion*, *Nearness of Blood*, and *Continual good Offices*, reciprocally on either side as the *Spaniard* himself in his own *Plot*, thinketh it easier to alter, and overthrow the present *State of Scotland*, than to remove and divide it from the *Amity of England*. So as it must be *Spain* alone that we should fear: which should seem by reason of his Spacious Dominions to be a great overmatch. The conceit whereof maketh me call to mind the Resemblance of an *Ancient Writer* in *Physick*, who labouring to perswade that a *Physician* should not doubt sometimes to purge his *Patient* though he see him very weak; Entereth into a distinction of weakness, and saith there is a weakness of Spirit, and a weakness of Body: The latter whereof he compareth unto a man, that were otherwise very strong but had a great pack on his neck: So great as made him double again; So as one might thrust him down with his Finger: Which similitude and distinction both may be fitly applyed to matter of State: For some *States* are Weak, through want of Means, and some Weak through excess of Burthen: In which rank I do place the State of *Spain*, which having outcompassed it self in embracing too much; And being it self but a *barren Seed-plot* of Souldiers, and much decayed and Exhausted of Men by the *Indies* and by continual Wars: and as to the State of their Treasure, being *endebted* and *engaged* before such times as they waged so great Forces in *France* (and therefore much more since,) Is not in brief an Enemy to be feared by a *Nation Seated*, *Manned*, *Furnished* and *Policed* as is *England*.

Neither is this spoken by guesse; For the Experience was *Substantial* enough, and of fresh memory, in the late Enterprise of *Spain* upon *England*; What time all that goodly Shipping which in that *Voyage* was consumed, was compleat; what Time his Forces in the *Low-Countries*, was also full and entire, which now are wasted to a fourth part, what time also he was not entangled with the Matters of *France*; But was rather like to receive assistance than Impediment from his Friends there; In respect of the great Vigour, wherein the *League* then was (while the *Duke* of *Guise* then lived: and yet nevertheless this great preparation passed away like a Dream. The *Invincible Navy*, neither took any one *Barque* of ours; Neither yet once offered to land; But after they had been well beaten and Chased, made a *Perambulation* about the *Northern Seas*; Ennobling many *Coasts*, with Wracks of mighty ships; and so returned home with greater *Derision* then they set forth with *expectation*.

So as we shall not need much Confederacies and Succours (which he saith we want for the breaking of the *Spanish Invasion*) No, though the *Spaniard* should nestle in *Brittain*, and supplant the *French*, and get some Port Townes into their hands there (which is far off) yet shall he never be so commodiously seated, to annoy us, as if he had kept the *Low-Countries*; And we shall

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will rather rear him as a *wrangling Neighbour*, that may Trespass now and then upon some *straggling Ships* of ours, than as an *Invader*. And as for our Confederacies, God hath given us both *Means* and *Minds* to tender and relieve the States of others. And therefore our Confederacies are rather of Honour, then such as we depend upon. And yet nevertheless the *Apostata's* and *Hugonets* of *France* on the one part (For so he termeth the whole *Nobility* in a manner of *France*; Among the which a great part is of his own *Religion*; which maintain the clear and unblemished *Title* of their *Lawful* and *Natural King*, against the seditious popular) And the *Beere Brewers* and *Basket-Makers* of *Holland* and *Zeland* (As he also terms them) on the other, have almost banded away between them, all the *Duke of Parma's* Forces: And I suppose the very *Mines* of the *Indies* will go low, or ever the one be Ruined, or the other recovered. Neither again, desire we better *Confederacies* and *Leagues* then *Spain* it self hath provided for us: *Non enim verbis fœdera confirmantur sed iisdem utilitatibus* We know to how many *States* the *King* of *Spain*, is odious and suspected; And for our selves we have incensed none by our *Injuries*; Nor made any Jealous of our *Ambition*: These are in *Rules* of *Policy*, the Firmest *Contracts*.

Let thus much be said in answer of the second Branch, concerning the Number of the *Exteriour Enemies*: Wherein my Meaning is nothing less, than to attribute our *Felicity* to our *Policy*; Or to nourish our selves in the humour of Security. But I hope we shall depend upon God and be vigilant; And then it will be seen, to what end these *False Alarums* will come.

In the *third Branch* of the *Miseries* of *England*, he taketh upon him, to play the prophet as he hath in all the rest play'd the *Poet*: And will needs Divine or *Prognosticate*, the great Troubles, whereunto this *Realm* shall fall after her *Majesties* Times: As if he that hath so *singular* a gift in *Lying* of the *present Time*, and *Times past*, had nevertheless an extraordinary Grace in telling Truth of the *Time to come*; Or as if the Effect of the *Popes Curses of England* were upon better Advise, adjourned to those dayes. It is true it will be *Misery* enough for this Realm (whensoever it shall be) to loose such a *Soveraign*: But for the rest, we must repose our selves, upon the good pleasure of *God*: So it is an unjust *Charge* in the *Libeller* to impute an *Accident* of *State* to the fault of the *Government*.

It pleaseth *God* sometimes to the end to make Men depend upon him the more to hide from them the clear sight of future *Events*; And to make them think that full of *Uncertainties*, which proveth *Certain* and *Clear*: And sometimes on the other side to crosse Mens' expectations, and to make them full of Difficulty, and perplexity in that which they thought to be Easie and Assured. Neither is it any new Thing for the *Titles* of *Succession* in *Monarchies*, to be at Times less or more declared. *King Sebastian* of *Portugal* before his Journey into *Affrick* declared no *Successor*. The *Cardinal* though he were of extream Age, and were much importuned by the *King of Spain*, and knew directly of 6. or 7. *Competitors* to that *Crown*; yet he rather established I know not what Interims, then decided the Titles, or designed any certain Successor. The *Duke* of *Ferrara* is at this Day after the Death of the *Prince* that now liveth, uncertain in the point of *Succession*: The *Kingdom of Scotland*, hath declared no Successor. Nay it is very rare in *Hereditary Monarchies* by an *Act* of *State*, or any *Recognition* or *Oath* of the *People* in the *Collateral line* to establish a Successor. The *Duke* of *Orleans* succeeded *Charles* the 8th

of

of *France*, but was never declared *Successor* in his time. *Monsieur d' Angoulesme* also succeeded him, but without any *Designation*. *Sonns of Kings* themselves oftentimes through desire to raign and to prevent their Time, wax dangerous to their *Parents*: How much more *Cousens* in a more *Remote Degree*? It is lawfull no doubt and Honourable if the Case require for *Princes* to make an establishment. But as it was said it is rarely practised in the *Collateral Line*. *Trajan*, the best *Emperor* of *Rome*, of an *Heathen* that ever was; At what time the *Emperors* did use to design *Successors*, not so much to avoid the *Uncertainty* of *succession*, as to the end, to have *Participes Curarum* for the present Time, because their *Empire* was so vast; At what Time also *Adoptions* were in use and himself had been *Adopted*, yet never designed a *Successor*, but by his *Last will* and *Testament* which also was thought to be suborned by his *Wife Plotina* in the Favour of her *Lover Adrian*.

You may be sure that nothing hath been done to *prejudice* the *Right* And there can be but one *Right*. But one thing I am perswaded of, that no *King of Spain*, nor *Bishop of Rome*, shall umpire nor promote any *Perpetuary*, or *Feudatory King*, as they designed to do; Even when the *Scottish Queen* lived whom they pretended to cherish. I will not retort the matter of *Succession* upon *Spain* but use that *modesty and reverence*, that belongeth to the *Match* of so great a *King*, though an *Enemy*. And so much for this *Third Branch*.

The fourth Branch he maketh to be touching the *Overthrow* of the *Nobility*, and the *Oppression* of the *People*: wherein though he may perchase, abuse the *Simplicity* of any *Forreiner*, yet to an *English man* or any that heareth of the present *Condition* of *England*, he will appear to be a Man of singular *Audacity*, and worthy to be employed in the defence of any *Paradox*. But surely if he would needs have defaced the *general State of England*, at this time he should in wisdome rather have made some *Friarly acclamation* against the *Excess of Superfluity* and *Delicacy* of our Times: then to have insisted upon the *misery* and *poverty* and *Depopulation* of the *Land*, as may sufficiently appear by that which hath been said.

But nevertheless to follow this Man in his own steps: First concerning the *Nobility*: It is true that there have been in Ages past, *Noblemen* (as I take it) both of greater *Possessions* and of greater *Command* and *sway* than any are at this day. One *Reason* why the Possessions are less, I conceive to be because certain *sumptuous Veins and Humours of Expence* (as *Apparel*, *Gaming*, *maintaining of a kind of followers* and the like) Do reign more than they did in times past. Another *Reason is* because *Noblemen* now a dayes do deal better with their younger Sons than they were accustomed to do heretofore, whereby the *principal House* receiveth many *Abatements*. Touching the *Command* which is not indeed so great as it hath been, I take it rather to be a *Commendation* of the *Time*, then otherwise: For men were wont factiously to depend upon *Noblemen* whereof ensued many *Partialities* and *Divisions*, besides much *Interruption* of *justice*, while the great ones did seek to bear out those that did depend upon them. So as the Kings of this *Realm*, finding long since that kind of *Commandement* in *Noblemen* *Unsafe* unto their *Crown*, and *Inconvenient* unto their *People*, thought meet to restrain the same by provision of *Lawes* whereupon grew the *Statute of Reteiners*: So as men now depend upon the *Prince and the Lawes*, and upon no other: A matter which hath also a *Congruity* with the *Nature* of the *Time*, as may be seen in other *Countries*;

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Concerning the State of the Nobility.

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Namely, in *Spain*, where their *Grandees*, are nothing so Potent, and so Absolute, as they have been in Times past. But otherwise, it may be truly affirmed, that the *Rights*, and *prehemineneies* of the *Nobility* were nevermore duly and exactly preserved unto them, then they have been in her *Majesties Times*; The *Precedence* of *Knights*, given to the *younger Sons of Barons*; No *Supœna's*, awarded against the *Nobility* out of the *Chancery*, but *Letters*; No *Answer* upon *Oath*, but upon *Honour*; Besides a Number of other *Priviledges*, in *Parliament*, *Court*, and *Country*. So likewise for the *Countenance* of her *Majestie* and the *State*, in *Lieutenancies*, *Commissions*, *Offices* and the like, there was never a more Honourable and Graceful Regard, *had* of *Nobility*; Neither was there ever a more Faithful *Remembrancer* and exacter, of all these *particular prehemineneies* unto them; Nor a more Diligent Searcher, and Register of their *Pedigrees*, *Alliances* and all *Memorials* of *Honour* then that MAN, whom he chargeth, to have overthrown the *Nobility*; Because a few of them by immoderate *Expence* are decayed, according to the Humour of the time, which he hath not been able to resist, no not in his own *House*. And as for *Attainders*, there have been in 35. years, but Five of any of the *Nobility*, whereof but two came to *Execution*, and one of them, was accompanied, with *Restitution* of *Blood* in the *Children*: Yea all of them except *Westmerland*, were such, as whether it were by *Favour* of Law or *Government*, their *Heires* have, or are like to have, a great Part of their *Possession*. And so much for the *Nobility*.

Touching the *Oppression* of the *People*, he mentioneth four points.

1. The *Consumption* of *People* in the *Wars*.
2. The *Interruption* of *Traffick*.
3. The *Corruption* of *Justice*.

Concerning the State of the Common subject.

4. The *Multitude* of Taxations: Unto all which points, there needeth no long Speech. For the first, (thanks be God;) the *Benediction* of *Crescite and Multiplicamini*, is not so weak upon this *Realm* of *England*, but the *Population* thereof may afford such *Loss* of Men as were sufficient for the *Making* our late *Wars*; and were in a perpetuity, without being seen, either in *City* or *Countrey*. We read that when the *Romans*, did take *Cense*, of their *People*, whereby the *Citizens* were numbred by the *Poll*, in the beginning of a great *War*, and afterwards again at the ending, there sometimes wanted a *third part* of the Number: But let our *Muster Books* be perused, (those I say that certifie, the *Number* of all *Fighting* Men in every *Shier*,) of *vicesimo* of the *Queen*; At what time, except a handful of *Souldiers*, in the *Low Countries*, we expended no Men in the *Wars*, And now again, at this present time and there will appear small Diminution. There be many *Tokens* in this *Realm* rather of *Press*, and *Surcharge* of *People*, then of *Want*, and *Depopulation*, which were before recited. Besides it is a better *Condition* of *Inward peace* to be accompanied, with some *Exercise* of no *Dangerous Wars* in *Forreign parts*, then to be utterly without *Apprentisage* of *Wars*, whereby *People* grow *Effeminate* and *unpractised* when Occasion shall be. And it is no small strength unto the *Realm*, that in these *Wars* of *Exercise* and not of *Peril*, so many of our *People* are *trained*, And so many of our *Nobility* and *Gentlemen*, have been made *Excellent Leaders* both by *Sea* and *Land*. As for that he objecteth, we have no *Provision* for Souldiers at their *Return*, Though that point hath not been altogether neglected, yet I wish with all my Heart, that it were more *Ample* then it is: Though I have read and heard, that in all Estates upon *Casheering*, and *Disbanding* of *Souldiers*, many have endured *Necessity*.

For the *Stopping* of *Traffique*, as I referred my self to the *Muster-Books* for the

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First, so I refer my self to the *Custom-Books*, upon this which will not lye, And do make *Demonstration* of no *Abatement* at all in these last years, but rather of *Rising* and *Encrease*. We know of many in *London* and other places, that are within a small time greatly come up and made Rich by *Merchandizing*: And a Man may speak within his Compass and affirm, That our *Prizes* by *Sea*, have countervailed any *Prizes* upon us.

And as to the *Justice* of this *Realm*, it is true that *Cunning* and *Wealth* have bred many *Suits* and *Debates* in *Law*: But let those *Points* be considered: The *Integrity* and *Sufficiency* of those which supply the *Judicial places* in the *Queens Courts*; The good *Lawes* that have been made in her *Majesties* times against *Informers*, and *Promoters*; And for the bettering of *Trials*; The Example of Severity which is used in the *Star-Chamber*, in oppressing *Forces* and *Frauds*; The *Diligence*, and *Stoutness* that is used by *Justices* of *Assises*, in Encountring all *Countenancing* and *Bearing* of *Causes* in the *Country*, by their *Authorities* and *Wisdome*; The great *Favours*, that have been used towards *Copy-holders*, and *Customary Tenants*, which were in ancient times merely, at the *Discretion* and *Mercy* of the *Lord*; And are now continually relieved from hard Dealing, in *Chancery* and other *Courts of Equity*: I say, let these and many other *Points* be considered; and Men will worthily conceive, an Honourable Opinion of the *Justice* of *England*.

Now to the *Points* of *Levies* and *Distributions* of Money, which he calleth *Exactions*. First, very coldly, he is not abashed to bring in the Gathering for *Pauls Steeple*, and the *Lottery Trifles*: Whereof the former being but a *Voluntary Collection* of that Men were freely disposed to give, never grew to so great a Sum as was sufficient to finish the *Work*, for which it was appointed: And so I imagine, it was converted into some other use; like to that Gathering which was for the *Fortification* of *Paris*, save that the Gathering for *Paris* came to a much greater, though (as I have heard,) no competent Sum. And for the *Lottery*, it was but a *Novelty devised* and *followed* by some *particular persons*, and only allowed by the *State*, being as a *Gain* of *Hazzard*: Wherein if any Gain was, it was because many Men, thought Scorn after they had fallen from their greater hopes to fetch their *old Money*. Then he mentioneth *Loanes* and *Privie Seales*; Wherein he sheweth great Ignorance and Indiscretion considering the *payments* back again have been very *Good* and *Certain*; And *much* for her *Majesties Honour*. Indeed in other *Princes Times* it was not wont to be so: And therefore though the *Name* be not so *pleasant*, yet the *Use* of them in our Times have been with small Grievance. He reckoneth also *new Customes* upon *Cloaths* and *new Impost upon Wines*. In that of *Cloaths* he is deceived; For the ancient Rate of *Custome* upon *Cloathes* was not raised by her *Majesty*, but by *Queen Mary*, a *Catholique Queen*: And hath been commonly continued by her *Majesty*; Except he mean the Computation of the odd yards, which in strict Duty, was ever answerable; Though the Error were but lately looked into, or rather the *Tolleration* taken away. And to that of *VVines* being a *Forreign Merchandize*, and but a *Delicacy*, and of those which might be forborn, there hath been some *Encrease* of *Impositions*, which can rather make the *Price* of *VVine Higher* then the *Merchant poorer*. Lastly, touching the *Number* of *Subsidies*, it is true, that her *Majestie* in respect of great *Charges* of her *VVars*, both by *Sea* and *Land* against such a *Lord* of *Treasure* as is the *King of Spain*: Having for her part no *Indies* nor *Mines*; And the *Revenues* of the *Crown* of *England* being such as they less grate upon the *people*, then *Revenues* of any *Crown* or State in *Europe*; Hath by the *Assent* of *Parliament*, according to the ancient *Customes* of this *Realm* received

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divers *Subsidies* of her *People* which as they have been employed upon the Defence and preservation of the *Subject*; Not upon *Excessive buildings*, nor upon *Immoderate Donatives*, nor upon Triumphs and Pleasures; Or any the like veines of *Dissipation* of *Treasure*, which have been Familiar to many Kings: So have they been yielded with great good will and cheerfulness; As may appear by other kinds of *Benevolence*, presented to her likewise in *Parliament*; which her *Majesty* nevertheless hath not put in Ure. They have been Taxed also and assessed with a very Light and Gentle Hand. And they have been spared as much as may be, as may appear, in that her *Majesty* now twice to spare the *Subject*, hath sold off her own *Lands*. But he that shall look into other *Countries* and consider the *Taxes* and *Tallages* and *Impositions* and *Assises*, and the like that are every where in use; Will find that the *English Man*, is the most *Mayster*, of his own Valuation, and the least bitten in his *Purse* of any *Nation* of *Europe*. Nay even at this instant in the *Kingdom* of *Spain* notwithstanding the *Pioners* do still work in the *Indian Mines*, the Jesuites most play the Pioners and Mine into the *Spaniards Purses*, and under the Colour of a *Ghostly* Exhortation, contrive the greatest Exaction that ever was in any *Realm*.

Thus much in answer of these *Calumniations* I have thought good to note touching the present state of *England:* which state is such that whosoever hath been an *Architect* in the Frame thereof under the *Blessing* of God, and the *Vertues* of our Soveraign, needed not to be ashamed of his *Work*.

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3. *Of the* Proceedings *against the* pretended Catholiques; *Whether they have been* Violent, *or* Moderate, *and* Necessary.

I Find her *Majesties Proceedings* generally to have been grounded upon two *Principles*; The one,

That *Consciences* are not to be forced but to be Wonn and reduced by the Force of *Truth*, by the aid of *Time*, and the Use of all good means of Instruction or Perswasion.

The other,

That *Causes* of *Conscience*, when they exceed their *Bounds* and prove to be *Matter* of *Faction*, leese their *Nature*; And that *Soveraign Princes* ought distinctly to punish the *Practise* or *Contempt*, though coloured with the *Pretences* of *Conscience*, and *Religion*.

According to these two *Principles* her *Majesty* at her *Comming* to the *Crown* utterly disliking of the *Tyranny*, of the Church of *Rome*, which had used by *Terror* and *Rigour* to seek *Commandement* over Mens *Faiths*, and *Consciences*; Although as a *Prince* of great *Wisdome*, and *Magnanimity*, she suffered but the *Exercise* of one *Religion*, yet her *Proceedings* towards the *Papists*, was with great *Lenity*; Expecting the good Effects which Time might work in them.

And therefore her *Majesty* revived not the *Lawes* made in 28th. and 35th. of her *Fathers Reign*, Whereby the *Oath of Supremacy*, might have been

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[illegible] it the King's *Pleasure* to any *Subject*, though he kept his *Conscience* never so modestly to himself, and the *Actuall* to take the same *Oath*, without further Circumstance, was made *Treason*: But contrariwise, her *Majesty* not liking to make *Windows into Mens Hearts*, and *Secret Thoughts* Except the *Audacity* of them did overflow into *Overt* and *Express Acts* and *Termes*; Temperd her *Law* to as it rebuketh only manifest *Disobedience* in impugning, and unpeaching openly, and ambitiously, her *Majesties Supream power*, and *maintenance* and *Exercise* of *Forrain Jurisdiction*. And as for the *Oath* it was altered by her *Majesty* into a more gratefull Form; the *Harshness* of the *Name*, and *Abjuration* of *Supream Head* was removed: And the *Penalty* of the *Refusall* thereof turned into a *Disablement* to take any *Promotion* or to use any *Charge*; and yet that with a *Liberty* of being *restored* therein, if any Man shall accept thereof during his *Life*.

But after many years *Toleration* of a *multitude* of *Faithless Papists* when *Pius Quintus* had *Excommunicated* her *Majesty*, and the *Bull* of *Excommunication* was published in *London*: whereby her *Majesty* was in a sort proscribed, and all her *Subjects* drawn upon pain of *Damnation* from her *Obedience*, and that thereupon as upon a Principal *Motive* or *Preparative*, followed the *Rebellion* in the *North*, yet notwithstanding because many of those Evil Humours were by that *Rebellion* partly *purged*, and that she feared at that time no *Forrain Invasion*, and much less the *Attempts* of any within the *Realm*, not backed by some *Forrain Succours* from without, she contented her self to make a *Law* against that *special Case* of *bringing in*, or publishing of *Bulls* or the like *Instruments*: Whereunto was added a *Prohibition* not upon pain of *Treason*, but an Inferiour *Degree* of *Punishment*, against bringing in of *Agnus Dei's*, *Hallowed Beads*, and such other *Merchandise* of *Rome*, as are well known not to be any *Essential* part of *the Roman Religion*, but only to be used in practise as *Love-Tokens* to entice and bewitch the peoples Affections from their *Allegiance* to their *Natural Soveraign*. In all other *Points* her *Majesty* continued her former *Lenity*.

But when about the 20th. year of her *Reign* she had discovered in the *King* of *Spain* an *Intention* to *Invade* her *Dominions*, and that at a principall *Point* of the *Plot*, was to prepare a party within the *Realm*, might adhere to the *Forrainer*; And that the *Seminaries* began to *Ulcerate* and to send forth dayly *Priests* and *professed men*, who should by vow taken at thrift, reconcile her *Subjects* from her *Obedience*; yea and bind many of them to attempt against her *Majesties Sacred Person*, and that by the poyson they spred, the Humours of most *Papists* were altered, and that they were no more *Papists* in *Custome*, but *Papists* in *Treasonable Fashion*: Then were there new *Lawes* made for the punishment of such as should submit themselves to *Reconcilements* or *Renunciations* of *Obedience*. For it is to be understood that this *Manner* of *Reconcilement* in *Confession*, is of the *same Nature* and *Operation* that the *Bull it self* was of; with this only difference; That whereas the *Bull* assoyled the *Subjects* from their *Obedience* at once, the other one by one. And therefore it is both more *Secret*, and more *Insinuative* into the *Conscience* being joyned with no lesse matter than *Absolution* from *Mortal Sin*. And because it was a *Treason carried* the *close*, and in *wonderfull secresse*, and came seldome to *Light*; And that there was no Presumption thereof so great as the Recusants to come to *Divine Service*, because it was set down by their Directors *That it*

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come to Church before Reconcilement was to live in Schism; but to come to Church after Reconcilement was absolutely Heretical and Damnable. Therefore there were added new *Lawes*, containing a *Punishment pecuniary*, against the *Recusants*; Not to enforce *Consciences*, but to *Enfeeble those* of whom it rested Indifferent and Ambiguous, whether they were reconciled or no? For there is no doubt but if the *Law* of *Recusancy*, (which is challenged to be so *Extream* and Rigorous) were thus qualified; *That any Recusant that shall voluntarily come in and take his Oath that He or She were never reconciled, should* immediately be discharged of the *Penalty* and *Forfeiture* of the *Law*, they would be so far from liking well of that Mitigation, as they would cry out it was made to entrap them. And when notwithstanding all this provision, this Poyson was dispersed so secretly, as that there was no means to stay it, but to restrain the *Merchants* that brought it in; Then was there lastly added a *Law*, whereby such *Seditious Priests* of the new erection were exiled; And those that were at that time within the *Land* shipped over; And so commanded to keep hence upon *Pain* of *Treason*.

This hath been the *Proceeding* with that *sort*, though intermingled not only with sundry *Examples* of her *Majesties* Grace, towards such as in her wisdome she knew to be *Papists* in *Conscience*, and not in *Faction*; But also with an extraordinary *Mitigation* towards the *Offenders* in the *Highest Degree* convicted by *Law*, if they would protest: *That in Case this Realm should be invaded with a Forrain Army, by the Popes Authority for the Catholick Cause (as they term it) they would take part with her* Majesty, *and not adhere to her enemies.*

And whereas he saith no *Priest* dealt in matter of state (*Ballard* onely excepted) it appeareth by the *Records* of the *Confession* of the said *Ballard* and sundry other *Priests*; That all *Priests* at that time generally were made acquainted with the *Invasion* then intended; and afterwards put in Act and had received Instructions not only to move an Expectation in the people of a *Change*; But also to take their *Vows* and *Promises* in *Shrift* to adhere to the Forrainer. Insomuch that one of their *Principal Heads* vaunted himself in a *Letter*, of the Devise saying: That it was a *Point* the *Counsel* of *England* would never dream of; Who would imagine that they should practise with some *Noble-man* to make him *Head* of their *Faction*, whereas they took a Course only to deal with the People, and them so severally, as one *apprehended*, should be able to appeal no more than himself, except the *Priests* who he knew would reveal nothing that was uttered in *Confession*. So Innocent was this *Princely Priestly Function* which this Man taketh to be but a *matter of Conscience* and thinketh it Reason it should have free *Exercise* throughout the *Land*.

4. *Of*

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4. *Of the* Disturbance *of the* Quiet *of* Christendom; *And to what* Causes *it may be justly assigned.*

IT is indeed a Question (which those that look into *Matters* of *State* do well know to fall out very often; though this *Libeller* seemeth to be more ignorant thereof) whether the *Ambition* of the more *mighty State* or the *jealousie* of the *Less mighty State* to be charged with *Breach* of *Amity*. Hereof as there may be many *Examples*, so there is one so proper unto the present *matters* as though it were many years since yet it seemeth to be a *Parable* of these Times, and namely of the proceedings of *Spain* and *England*.

The *States* then which answered to these two, Now were *Macedon* and *Athens*. Consider therefore the Resemblance between the two *Philips* of *Macedon* and *Spain*. He of *Macedon* aspired to the *Monarchy of Greece* as he of *Spain* doth of *Europe*: But more apparently than the first; Because that Design was discovered in his *Father Charles the 5th.* and so left him by Descent: whereas *Philip of Macedon* was the first of the Kings of that *Nation* which fixed so great Conceits in his Breast. The Course, which this *King of* Macedon held was not so much by great *Armies* and *Invasions* (Though these wanted not when the Case required) But by practise by, *forming* of *Factions* in *States*, and by *Obliging* sundry *particular persons* of *Greatness*. The *State of Opposition* against his Ambitious proceedings was onely the *State of Athens*, as now is the *State of England* against *Spain*. For *Lacedaemon* and *Thebes* were both low as *France* is now; And the rest of the *States* of *Greece* were in power and Territories far inferiour. The *people of Athens* were exceedingly affected to Peace; And weary of Expence. But the Point which I chiefly make the comparison, was that of the *Orators*, which were as *Counsellors* to a *Popular State*; Such as were sharpest sighted, and looked deepest into the *Projects* and *spreading* of the *Macedonians* (doubting still that the Fire after it licked up the *Neighbour States*, and made it self Opportunity to pass would at last take hold of the *Dominions* of *Athens* with so great *Advantage* as they should not be able to remedy it) were ever charged both by the *Declarations* of the *King of* Macedon and by the *Imputation* of such *Athenians* as were corrupted to be of his *Faction* as the *Kindlers* of *Troubles* and *Disturbers* of the *Peace and Leagues*: But as that Party was in *Athens* too mighty, so as it discountenanced the true *Counsels* of the *Orators* and so bred the Ruine of that *State*, and accomplished the ends of that *Philip*: So it is to be hoped that in a *Monarchy* where there are commonly better Intelligences and Resolutions, than in a popular *State*, those *Plots* as they are detected already, so they will be resisted and made Frustrate.

But to follow the *Libeller* in his own *Course*, the *Sum* of that which he delivereth concerning the *Imputation*; As well of the *Interruption* of the *Amity* between the *Crowns* of *England* and of *Spain*; As the *Disturbance* of the general *Peace* of *Christendome*, Unto the *English proceedings*, and not to the *Ambitious Appetites* of *Spain*; may be reduced into Three *Points*.

1. Touching the Proceeding of *Spain* and *England* towards their *Neighbour States*.

2. Touch-

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2. Touching the Proceeding of *Spain* and *England between themselves.*
3. Touching the *Articles and Conditions* which it pleaseth him as it were in the behalf of *England* to pen and propose for the treating and concluding of an *Universal Peace.*

In the First he discovereth how the *King of Spain* never offered Molestation; Neither unto the *States of Italy* upon which he confineth by *Naples* and *Millain*; Neither unto the *States of Germany* unto whom he confineth by a part of *Burgundy and the Low-Countries*; Nor unto *Portugal* till it was devolved to him in *Title*, upon which he confineth by *Spain*: But contrariwise as one that had in precious regard the *Peace of Christendom*, he designed from the beginning to turn his whole *Forces* upon the *Turk*. Only he confesseth that agreeable to his *Devotion* which apprehended as well the purging of *Christendom* from Heresies, as the enlarging thereof upon the *Infidels*; He was ever ready to give Succours unto the *French Kings* against the *Huguonotts*, especially being their own Subjects; Whereas on the other side *England* (as he affirmeth) hath not only sowed *Troubles* and dissentions in *France* and *Scotland*; (The one their *Neighbour* upon the *Continent*; The other divided only by the *Narrow Seas*) But also hath actually invaded both *Kingdomes*. For as for the matters of the *Low-Countries*, they belong to the *Dealings* which have passed by *Spain*.

In Answer whereof it is worthy the Consideration how it pleased *God* in that *King* to cross one *passion* by another, and namely that *passion* which might have proved dangerous unto all *Europe* (which was Ambition) by another which was only hurtful to himself and to his own; Which was Wrath and *Indignation* towards his *Subjects* the *Netherlands*. For after that he was setled in his *Kingdom*, and freed from some Fear of the *Turk*; Revolving his *Fathers design* in aspiring to a *Monarchy of Europe*, casting his Eye principally upon the two potent *Kingdomes* of *France* and *England*; And remembring how his *Father* had once promised unto himself the Conquest of the one; And how himself by *Marriage* had lately had some Possession of the other, and seeing that *Diversity* of *Religion* was entred into both these Realms; And that *France* was fallen unto *Princes* weak, and in *Minority*, and *England* unto the *Government* of a *Lady*, In whom he did not expect that *Policy*, of *Government*, *Magnanimity and Felicity*, which since he hath proved; Concluded (as the *Spaniards* are great Waiters upon Time, and ground their Plots deep) upon two *Points*: The one to profess an extraordinary *Patronage and Defence of the Roman Religion* making account thereby to have *Factions* in both *Kingdomes* (In *England a Faction* directly against the State; In *France a Faction* that did consent indeed in *Religion* with the *King*, and therefore at first shew should seem unproper to make a party for a *Forreiner*. But he foresaw well enough that the *King of France* should be forced (to the end to retain *Peace and Obedience*) to yeild in some things, to those of the *Religion*, which would undoubtedly alienate the Fiery and more violent sort of *Papists*: Which preparation in the *people* added to the *Ambition of the Family of Guise* (which he nourished for an Instrument,) would in the end make a party for him against the *State*, as since it proved, and might well have done long before as may well appear by the *mention of League and associations* which is above 25. years old in *France*.

The other *Point* he concluded upon was; That his *Low-Countries*, was the aptest place both for *Ports and Shipping*; in respect of *England*; And for *Scituation* in respect of *France*, having goodly *Frontier Townes*, upon

upon that *Realm*, and joyning alſo upon *Germany* whereby they might receive in at pleaſure any Forces of *Almaines*, to annoy and offend either *Kingdom*. The *Impediment* was the *Inclination* of the *People*, which receiving a wonderfull *Commodity* of Trades out of both *Realmes*, eſpecially of *England*; And having been in ancient *League* and *Confederacy* with our Nation; And having been alſo *Homagers* unto *France*; He knew would be in no wiſe diſpoſed to either *War*. Whereupon he reſolved to reduce them to a Martial *Government*; Like unto that which he had eſtabliſhed in *Naples*, and *Millain*; upon which ſuppreſſion of their *Liberties* enſued the *Defection* of thoſe *Provinces*. And about the ſame time, the *Reformed Religion* found entrance in the ſame *Countries*; So as the *King* enflamed with the *Reſiſtance* he found in the firſt part of his *Plots*, and alſo becauſe he might not diſpenſe with his other *Principle* in yielding to any *Toleration of Religion*; And withal expecting a ſhorter work of it then he found; became paſſionately bent to *Reconquer* thoſe *Countries*, wherein he hath conſumed infinite *Treaſure*, and *Forces*. And this is the true *Cauſe*, if a man will look into it, that hath made the *King of Spain* ſo good a *Neighbour*; Namely that he was ſo entangled with the *Wars of the Low-Countries* as he could not intend any other *Enterpriſe*. Beſides in Enterpriſing upon *Italy*, he doubted firſt the Diſpleaſure of the *See of Rome* with whom he meant to run a Courſe of ſtrait Conjunction: Alſo he doubted it might invite the *Turk* to return. And for *Germany* he had a freſh *Example* of his *Father* who when he had annexed unto the *Dominions* which he now poſſeſſeth the *Empire of Almaign* nevertheleſs ſunck in that *Enterprize*: whereby he perceived that the *Nation* was of too ſtrong a Compoſition, for him to deal withall: Though not long ſince by practiſe he could have been contented to ſnatch up in the *Eaſt* the *Countrey of Emden*. For *Portugal*, firſt the *Kings* thereof were good *Sons* to the *See of Rome*; Next he had no *Colour of Quarrel* or *pretence*; Thirdly they were Officious unto him: yet if you will believe the *Genueſe* (who otherwiſe writeth much to the Honour and Advantage of the *Kings of Spain*) it ſeemeth he had a good mind to make himſelf a way into that *Kingdom* ſeeing that for that purpoſe (as he reporteth) he did artificially nourith the *young King Sebaſtian* in the *Voyage of Affrick*, expecting that overthrow which followed.

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As for his *Intention* to warr upon the *Infidels* and *Turks*, it maketh me think what *Francis Guicciardine* a wiſe writer of *Hiſtory* ſpeaketh of his great *Grandfather*; making a Judgement of him as *Hiſtoriographers* uſe: That he did alwayes *maſk and vail* his *Appetites* with a *Demonſtration* of a *Devout and Holy Intention* to the Advancement of the *Church* and the publick good, His *Father* alſo when he received Advertiſement of the taking of the *French King*, prohibited all Ringings and Bonfires and other Tokens of Joy, and ſaid, *Thoſe were to be reſerved for Victories upon Infidels*; On whom he meant never to War. Many a *Cruzada* hath the *Biſhop of Rome* granted to him and his *Predeceſſors* upon that Colour which all have been ſpent upon the Effuſion of *Chriſtian Bloud*: And now this year the *Levies* of *Germans*, which ſhould have been made under hand, for *France* were coloured with the pretence of *War*, upon the *Turk*; Which the *Princes* of *Germany deſerving* not onely brake the *Levies*, but threatned the *Commiſſioners* to hang the next that ſhould offer the like Abuſe: So that this Form of *Diſſembling* is familiar and as it were *Hereditary* to the *King of Spain*.

And as for his *Succours* given to the *French King*, againſt the *Proteſtants*

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stants, he could not chuse but accompany the *Pernicious Counsels* which still he gave to the *French Kings* of breaking their *Edicts* and admitting of no *Pacification*, but pursuing their *Subjects* with *Mortal War* with some Offer of *Aides*; which having promised he could not but in some small Degree perform; whereby also the *Subject* of *France* (namely the *violent Papist*) was cured to depend upon *Spain*. And so much for the *King of Spains proceedings* towards other *States*.

Now for ours, And first touching the *Point* wherein he chargeth us to be the *Authours* of *Troubles* in *Scotland* and *France*: It will appear to any that have been well informed of the Memories of these Affaires; That the *Troubles* of those *Kingdomes* were indeed chiefly kindled by one and the same *Family* of the *Guise*: A *Family* (as was partly touched before) as particularly devoted now for many years together to *Spain* as the *Order* of the *Jesuites* is. This *House* of *Guise* having of late years extraordinarily flourished in the eminent *Vertue* of a few persons whose *Ambition* nevertheless was nothing inferiour to their *vertue*; But being of a *House* notwithstanding which the *Princes* of the *Bloud* of *France* reckoned but as strangers aspired to a Greatness more then *Civil* and proportionable to their *Cause* whersoever they had *Authority*: And accordingly under *Colour* of *Consanguinity* and *Religion* they brought into *Scotland* in the year 1559. and in the Absence of the *King* and *Queen French Forces* in great numbers: whereupon the *Ancient Nobility* of that *Realm* seeing the imminent danger of Reducing that *Kingdome* under the Tyranny of strangers did pray (according to the good Intelligence between the two Crowns) *her Majesties Neighbourly forces*. And so it is true that the Action being very Just and Honourable her *Majesty* undertook it, expelled the *Strangers* and restored the *Nobility* to their *Degrees* and the *State* to *Peace*.

After when certain *Noble Men of Scotland* of the same *Faction* of *Guise* had during the *Minority of the King*, possessed themselves of his Person to the end to abuse his Authority many wayes; And namely to make a Breach between *Scotland and England*, her *Majesties Forces* were again in the year 1582. by the *Kings* best and truest Servants sought and required; And with the Forces of her *Majesty* prevailed so far as to be possessed of the *Castle of Edenborough* the principal part of that *Kingdom*; which nevertheless her Majesty incontinently with all Honour and Sincerity restored; After she had put the *King* into good and faithful Hands; And so ever since in all the Occasions of *Intestine Troubles*, whereunto that *Nation* hath been ever subject she hath performed unto the *King* all possible good Offices and such as he doth with all good affection acknowledge.

The same *House of Guise* under Colour of *Alliance* during the *Reign* of *Francis* the *second* and by the *Support* and *practise* of the *Queen Mother*; who desiring to retain the *Regency* under her own Hands during the Minority of *Charles the ninth* used those of *Guise* as a Counterpoise to the *Princes* of the *Bloud* obtained also great *Authority* in the *Kingdom* of *France*; whereupon having raised and moved *Civil Wars* under pretence of *Religion*; But indeed to enfeeble and depress the *Ancient Nobility* of that *Realm*; The contrary part being compounded of the *Bloud Royal* and the Greatest *Officers* of the *Crown*; opposed only themselves against their Insolency; And to their *Aides* called in her *Majesties Forces* giving them for security the Town of New-Haven: which nevertheless, when as afterwards having by the *Reputation* of her *Majesties Confederation* made their Peace in Effect as they would themselves; They would without observing any Conditions that had passed have had it back again; Then indeed

indeed it was held by force, and so had been long but for the great *Mortality*, which it pleased *God* to send amongst our Men. After which time so far was her *Majesty* from seeking to sow or kindle new *Troubles*; As continually by the Solicitation of her *Embassadors* she still perswaded with the *King*, both *Charles the* 9th. and *Hen. the* 3d. to keep and observe their *Edicts of Pacification*, and to preserve their *Authority* by the *Union* of their *Subjects*: which Counsel if it had been as happily followed as it was prudently and sincerely given, *France* had been at this day a most *Flourishing Kingdom* which is now a *Theater* of *Misery*. And now in the end after that the *Ambitious practises* of the same house of *Guise*, had grown to that Ripeness, that gathering further strength upon the weakness and Misgovernment of the said *King Hen.* 3d. He was fain to execute the *Duke of Guise* without *Ceremony at Blois*: And yet nevertheless so many Men were embarqued and engaged in that *Conspiracy* as the Flame thereof was nothing allwaged, but contrariwise that *King Hen.* grew distressed so as he was enforced to implore the Succors of *England* from her *Majesty*; Though no way interessed in that *Quarrel*, nor any way obliged for any good offices she had received of that *King*, yet she accorded the same. Before the arrival of which Forces the *King* being by a *Sacrilegious Jacobine* murthered in his *Camp near Paris*, yet they went on and came in good time for the *Assistance* of the *King* which now *Reigneth*; The Justice of whose Quarrel together with the long continued Amity and good Intelligence, which her *Majesty* had with him, hath moved her Majesty from time to time to supply with great *Aides*; And yet she never by any demand urged upon him the putting into her Hands of any *Town or Place*. So as upon this that hath been said, let the *Reader* judge whether hath been the more Just and Honourable proceeding; And the more free from *Ambition and Passion*, towards other *States*; That of *Spain*, or that of *England*? Now, let us examine the proceedings, reciproque, betweene themselves.

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Her *Majesty* at her *Comming to the Crown*, found her *Realm* entangled with the *Wars of France* and *Scotland* her neareſt *Neighbours*: which *Wars* were grounded only upon the *Spaniards Quarrels*: But in the pursuit of them had lost *England* the Town of *Calice*. Which from the 21. year of *King Edward* 3d. had been possessed by the *Kings of England*. There was a meeting neer *Bardeaux* towards the end of *Queen Maries Reign* between the *Commissioners* of *France Spain and England*; and some overture of *Peace* was made; But broke off upon the *Article* of the *Restitution of Callice*. After *Queen Maries* Death the *King* of *Spain* thinking himself discharged of that Difficulty (though in honour he was no lesse bound to it then before) renewed the like *Treaty*, wherein her *Majesty* concurred: so as the *Commissioners* for the said *Princes* met at *Chateau Cambraisis* neer *Cambray*. In the proceedings of which Treaty, it is true that at the first the *Commissioners* of *Spain* for form and in Demonstration onely pretended to stand firm upon the *Demand of Callice*; but it was discerned indeed that the *Kings* meaning was after some Ceremonies and perfunctory Insisting thereupon to grow apart to a *Peace with the French*, excluding her *Majesty*; And so to leave her to make her own Peace, after her *People* had made his *Wars*. Which Covert Dealing being politickly looked into, her *Majesty* had reason being newly invested in her *Kingdome*, And of her own Inclination being affected to *Peace*; To conclude the same with such Conditions as she might: And yet the *King of Spain* in his Dissimulation had so much Advantage as he was fain to do it in a *Treaty* apart with the *French*, whereby to

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one that is not informed, of the *Counsels* and *Treaties* of *State*, as they passed, it should seem to be a *voluntary Agreement*, of *her Majesty*, whereto the *King of Spain*, would not be party, whereas indeed he left her no other choice, & this was the first *Assay* or *Earnest penny* of that *Kings* good affection to her *Majesty*.

About the same time when the *King* was sollicited to renew such *Treaties*, and *Leagues* as had passed between the two *Crowns* of *Spain* and *England*, by the Lord *Cobham*, sent unto him, to acquaint him, with the *Death of Queen Mary*; And afterwards, by Sir *Thomas Chalinor* and Sir *Thomas Chamberlain*, successively, *Embassadours Resident* in his *Low Countries*: Who had orders divers times during their Charge, to make Overtures thereof, both unto the *King*, and certain *principal persons* about him, And lastly, those former Motions taking no effect; By *Viscount Mountacute* and Sir *Thomas Chamberlain*, sent unto *Spain* in the year 1560; no other *Answer* could be had or obtained of the *King*, but that the *Treaties* did stand in as good Force to all Intents as new *Ratification* cou'd make them. An *Answer* strange at that time, but very conformeable to his *Proceedings* since; which belike even then were closely smothered in his own Breast. For had he not at that time, some hidden Alienation of Mind, and Designe of an Enemy towards her *Majestie*; So wise a *King* could not be ignorant, That the *Renewing* and *Ratifying* of *Treaties* between *Princes* and *States*, do add a great *Life* and *Force*, both of *Assurance* to the *parties* themselves, and *Countenance*, and *Reputation* to the *World* besides; And have for that cause been commonly and necessarily used and practised.

In the Message of *Viscount Mountacute*, it was also contained, that he should crave the *Kings* Counsel and Assistance, according to Amity and good *Intelligence*, upon a *Discovery* of certain *pernicious Plots* of the *House* of *Guise*, to annoy this *Realme* by the way of *Scotland*: whereunto the *Kings Answer* was so Dark and so cold that nothing could be made of it; Till he had made an Exposition of it himself, by effects in the express *Restraint*, of *Munition* to be carried out of the *Low-Countries*, unto the *Sieg* of *Leith*; Because our *Nation* was to have supply thereof from thence. So as in all the *Negotiations* that passed with that *King*, still her *Majesty* received no satisfaction, but more and more suspitious, and Bad Tokens of evil affection.

Soon after, when upon that *Project*, which was disclosed before the *King* had resolved to disanul the *Liberties* and *Priviledges* unto his *Subjects* the *Netherlands* anciently belonging; And to establish amongst them a *Marshal Government* which the *People* being very wealthy and inhabiting *Towns* very strong and *Defensible* by fortifications both of *Nature* and the hand could, nor endure there followed the *Defection* and *revolt* of those *Countries*. In which *Action* being the greatest of all those which have passed between *Spain* and *England*, the *proceeding* of her *Majesty* hath been so Just and mingled with so many *Honourable* Regards as nothing doth so much clear and acquit her *Majesty* not only from *passion* but also from all dishonourable pollicy. For first at the beginning of the *Troubles* she did impart unto him faithfull and sincere advise of the Course, that was to be taken for the quieting and appeasing them, And expresly forewarned both himself and such as were in principal Charge in those *Countries* during the *Wars* of the danger like to ensue if he held so heavy a hand over that people; lest they should cast themselves into the *Arms* of a *Stranger*. But finding the Kings mind so exulcerate as he rejected all Counsel that tended to Mild and Gracious proceeding, her Majesty nevertheless gave not over her *Honourable* Resolution (which was if it were possible to reduce and reconcile those *Countries* unto the obedience of their *Natural Soveraign* the *King of Spain*: And if that might not be, yet to preserve them from alienating themselves to a

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Forrain Land as namely unto the *French* with whom they much treated; And amongſt whom the *Enterpriſe* of *Flanders*, was ever propounded as a Meane to unite their own Civil Diſſenſions) But patiently temporiſing expected the good effect which Time might breed, And whenſoever the *States* grew into Extremities of Deſpair and thereby ready to embrace the Offer of any *Forrainer*; Then would her *Majeſty* yield them ſome *Relief of Money* or permit ſome *Supply* of *Forces* to go over unto them: To the end to interrupt ſuch *violent Reſolution*: And ſtill continued to mediat unto the *King* ſome Juſt and Honourable Capitulations of *Grace* and *Accord*, ſuch as whereby alwayes ſhould have been preſerved unto him ſuch *Intereſt* and *Authority* as he in *Juſtice* could claim; Or a *Prince* moderately minded would ſeek to have. And this *Courſe* ſhe held interchangeably ſeeking, to mitigate the *Wrath* of the *King* and the *Deſpair* of the *Countries*, Till ſuch Time as after the Death of the Duke of *Anjou*; (into whoſe Hands according to her *Majeſties* Prediction, but againſt her good liking they had put themſelves) The *Enemy* preſſing them, the *united Provinces* were received into her *Majeſties* Protection: which was after ſuch Time, as the *King of Spain* had diſcovered himſelf, not only an *Implacable Lord* to them, but alſo a *profeſſed Enemy* unto her *Majeſty*; having actually invaded *Ireland* and deſigned the *Invaſion of England*. For it is to be noted, that the like Offers which were then made unto her *Majeſty*; had been made to her long before, but as long as her *Majeſty* conceived any Hope either of makeing their Peace; Or entertaining her own with *Spain* ſhe would never hearken thereunto. And yet now even at laſt her *Majeſty retained* a ſingular and evident Proof to the *World* of her Juſtice and Moderation; In that ſhe refuſed the *Inheritance* and *Soveraingnty* of thoſe *Goodly Provinces*, which by the States with much Inſtance was preſſed upon her, and being accepted would have wrought greater *Contentment* and *Satisfaction* both to her *People* and theirs, being *Countries* for the *Scite*, *Wealth*, *Commodity* of *Traffick*, Affection to our Nation; *Obedience* of the *Subjects* (well uſed) moſt convenient to have been annexed to the *Crown of England*, and with al one Charge, Danger and Offence of *Spain*, onely took upon her the *Defence* and *Protection* of their Liberties: which *Liberties* and *Priviledges* are of that Nature as they may juſtly eſteem themſelves but *Conditional Subjects* to the *King of Spain*; More juſtly then *Aragon*: And may make her Majeſty as juſtly eſteem the ancient *Confederacies* and *Treaties* with *Burgundy* to be of Force rather with the *People and Nation* than with the *Line* of the *Duke*, becauſe it was never an *Abſolute Monarchy*. So as to ſumm up her Majeſties proceedings in this great *Action*, they have but this that they have ſought firſt to reſtore them to *Spain*, then to keep them from *Strangers*, and never to purchaſe them to her *Self*.

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But during all that time the *King of Spain* kept one tenour in his proceedings towards her Majeſty, breaking forth more & more into *Injuries* & contempts: Her Subjects trading into *Spain* have been many of them burned, ſome caſt into the *Gallies*, others have died in *Priſon* without any other crimes committed, but upon quarrels pickt upon them for their *Religion* here at home. Her *Merchants* at the Sack of *Antwerp* were divers of them ſpoyled and put to their *Ranſomes* though they could not be charged with any part-taking, neither upon the complaint of *Doctor Wilſon* and *Sir Edward Horſey* could any redreſs be had. A general *Arreſt* was made by the *Duke of Alva of Engliſhmens* both goods and perſons, upon which pretence that certain Ships ſtayed in this *Realm*, laden with

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goods & Money of certain *Merchants* of *Genoua* belonged to that King: which *Money* and *Goods* was afterwards to the uttermoſt value reſtored and paved back: Whereas our men were far from receiving the like *Juſtice* on their ſide. *Doctor Man* her *Majeſties Embaſſador*, received during his *Legation*, ſundry Indignities, himſelf being *Removed* out of *Madrid*, and *Lodged* in a *Village*, As they are accuſtomed to uſe the *Embaſſadors of Moores*: His *Sonn* and *Steward* forced to aſſiſt at a *Maſs* with *Tapers* in their Hands; Beſides ſundry other *Contumelies* and *Reproaches*. But the ſpoyling or damnifying of a *Merchant*, vexation of a *Common Subject*; *Diſhonour of an Embaſſadour*; Were rather but Demonſtrations of ill Diſpoſition then Effects; If they be compared with Actions of *State*: Wherein he and his *Miniſters* have ſought the overthrow of this *Government*: As in the year 1569. when the Rebellion in the North part of *England* brake forth, Who but the *Duke of Alva* (then the *Kings Lievetenant in the Low-Countries*) and *Don Guerres* of *Eſpes*, then his *Embaſſador Liegier* here were diſcovered to be chief *Inſtruments and practiſers*, having complotted with the *Duke of Norfolk* at the ſame time, as was proved at the ſame *Dukes Condemnation*, that an *Army* of 20000. Men ſhould have landed at *Harwich* in aid of that part, which the ſaid *Duke* had made within the *Realm* and the ſaid *Duke* having ſpent and imployed 150000. *Crownes* in that *preparation*.

Not contented thus to have conſorted and aſſiſted her *Majeſties Rebels* in *England*; He procured a *Rebellion* in *Ireland*: Arming and ſending thither in the year 1579. an *Arch Rebel* of that *Country James Fitz Morrice*, which before was fled: And truely to ſpeak the whole courſe of moleſtation, which her *Majeſty* hath received in that *Realm* by *the Riſing* and keeping on of the *Iriſh*, hath been nouriſhed and fomented from *Spain*, but afterwards moſt apparently in the year 1580. he invaded the ſame *Ireland*; with *Spaniſh* Forces under an *Italian Colonel* by Name *San Joſepho*, being but the Fore-runners of a greater Power; Which by Treaty betweene *Him and the Pope* ſhould have followed: But that by the ſpeedy Defeat of thoſe former, they were diſcouraged to purſue the *Action*: Which *Invaſion* was proved to be done by the *Kings own Order*; both by the *Letters* of *Secretary Eſcouedo*, and of *Guerres to the* King: and alſo by divers other *Letters*, wherein the particular Conferences were ſet down concerning this *Enterpriſe* between *Cardinal Riario* the *Popes Legate* and the *Kings Deputy in Spain*, touching the *General* the *Number of Men* the *Contribution* of *Money*, and the *Manner* of the *Proſecuting* of the *Action*, and by the *Confeſſion of* ſome of the *Chiefeſt* of thoſe that were taken *Priſoners* at the *Fort, which Act* being an *Act* of *Apparent Hoſtility* added unto all the Injuries aforeſaid: And accompanied with a continual *Receipt, Comfort and Countenance* by *Audiencies, Penſions, and Employments*, which he gave to *Traytors and Fugitives*, both *Engliſh and Iriſh*; *As Weſtmerland, Paget, Engleſield, Ballinglaſs*, and Numbers of others did ſufficiently juſtifie and warrant that purſuite of Revenge, which (either in the *Spoyl of Carthagena* and *San Domingo in the Indies*, by *Mr. Drake*, or in the the undertaking the protection of the *Low-Countries* when the *Earl of Leiceſter* was ſent over) afterwards followed. For before that time her *Majeſty* though ſhe ſtood upon her Guard in reſpect of the juſt Cauſe of Jealouſie, which the ſundry Injuries of that *King* gave her, yet had entred into no *Offenſive Action* againſt him. For both the *Voluntary Forces* which *Don Antonio* had collected in this *Realm*, were by expreſs commandement reſtrained, and offer was made of Reſtitution to the *Spaniſh Embaſſador* of ſuch *Treaſure* as had been brought into this *Realm*;

upon

upon Proof that it had been taken by wrong; And the *Duke of Anjou* was (as much as could ſtand with the near *Treaty* of a *Marriage* which then was very forward between her *Majeſty* and the ſaid *Duke*) Diverted from the *Enterpriſe of Flaunders.*

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But to conclude this *Point*, when that ſome years after the *Invaſion* and *Conqueſt* of this *Land*; *Intended* long before, but through many Croſſes, and impediments, which the *King of Spain* found in his Plots *deferred* was in the year 1588, attempted; Her *Majeſty* not forgetting her own Nature, was content at the ſame Inſtant to *Treat of a Peace*, not ignorantly, as a *Prince* that knew not in what forwardneſs his preparations were (For ſhe had diſcovered them long before) Nor fearfully as may appear by the *Articles* whereupon her *Majeſty* in that *Treaty* ſtood which were not the Demands of a *Prince* afraid; But onely to ſpare the ſhedding of *Chriſtian Bloud*, and to ſhew her conſtant Deſire to make her *Reign Renowned*, rather by *Peace than Victories*: which *Peace* was on her part treated ſincerely, but on his part (as it ſhould ſeem) was but an *Abuſe*; Thinking thereby to have taken us more unprovided: So that the *Duke of Parma* not liking to be uſed as an *Inſtrument* in ſuch a Caſe in regard of his particular Honour would ſometimes in *Treating* interlace *That the King his Maſter, ment to make his Peace with his Sword in his Hand*, Let it then be tryed upon an indifferent view of the *proceedings of England* and *Spain*; Who it is that *Fiſheth in Troubled Waters*; And hath diſturbed the *Peace of Chriſtendome*, and hath written and deſcribed all his *Plots in Bloud.*

There follow the *Articles* of an *univerſal Peace*, which the *Libeller* as a *Commiſſioner* for the *Eſtate of England*, hath propounded and are theſe.

First that the *King of Spain* ſhould recal ſuch Forces as of great compaſſion to the Natural People of *France* he hath ſent thither to defend them againſt a relapſed *Huguonot.*

Secondly that he ſuffer his *Rebels of Holland* and *Zeland* quietly to poſſeſs the places they hold, and to take unto them all the reſt of the *Low-Countries alſo*, conditionally that the *Engliſh* may ſtill keep the poſſeſſion of ſuch *Port Towns* as they have, and have ſome half a dozen more annexed unto them.

Thirdly, that the *Engliſh Rovers might* peaceably go to his *Indies* And there take away his *Treaſure and his Indies* alſo.

And theſe *Articles* being *accorded* (he ſaith) might follow that *Peace* which *paſſeth all underſtanding*, as he calleth it in a ſcurrile and prophane Mockry of the *Peace* which *Chriſtians* enjoy with *God*, by the Attonement which is made by the *Bloud of Chriſt*, whereof the *Apoſtle ſaith that it paſſeth all underſtanding*: But theſe his *Articles* are ſure miſtaken, and indeed corrected are briefly theſe:

1. That the *King of France* be not impeached in *Reducing his Rebels* to obedience.

2. That the *Netherlands* be ſuffered to enjoy their Ancient *Liberties* and *Priviledges*, and ſo *Forces of Strangers* to be withdrawn both *Engliſh* and *Spaniſh.*

3. That all *Nations* may trade into the *Eaſt and Weſt Indies*, yea diſcover and occupy ſuch parts as the *Spaniard* doth not actually poſſeſs, and are not under *Civil Government*, notwithſtanding any *Donation of the Pope*

4. *Of*

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5. *Of the* Cunning *of the* Libeller *in* Palliation *of his* malicious Invectives *against her* Majesty, *and the* State, *with pretence of* Taxing *onely the Actions of the* Lord Burghley.

I Cannot rightly call this *Point Cunning in the Libeller*, but rather good will to be *Cunning* without skill indeed or Judgement: For finding that it had been the usual and ready practise of *seditious Subjects* to plant and bend their Invectives and Clamours, Not against the *Soveraigns* themselves, but against some such as had *Grace* with them, and *Authorities* under *them*; He put in ure his Learning in a wrong and unproper *Case*. For this hath some appearance to cover undutifull *Invectives*, when it is used against *Favourites* or *New Upstarts* and suddain risen *Counsellors*: But when it shall be practised against One that hath been *Counsellor*, before her *Majesties* Time; And hath continued longer *Counsellor* than any *Counsellor in Europe*; One that must needs have been Great if it were but by Surviving alone, though he had no other *Excellency*; One that hath passed the *Degrees* of *Honour*, with great *Travel*, and long time, which quencheth alwayes *Envy*, except it be joyned with extreme Malice; Then it appeareth manifestly to be but a *Bricknal at Tennis* to make the *Defamation* and *Hatred rebound* from the *Counsellor* upon the *Prince*. And assuredly they be very simple to think to abuse the *World* with those Shifts; Since every *Child* can tell the *Fable That the Wolfes malice was not to the Shepherd, but to his Dog*. It is true that these Men have altered their *Tune* Twice or thrice: when the *Match* was in *Treating* with the Duke of *Anjou* they speak *Honey* as to her *Majesty*, All the *Gall* was uttered against the *Earl of Leicester*. But when they had gotten *Heart* upon the Expectation of the *Invasion*, they changed stile and disclosed all the *Venome in the World* immediately against her *Majesty*: what new Hope hath made them return to their *Sinons Note*, in teaching *Troy* how to save it self I cannot tell. But in the mean time they do his *Lordship* much *Honour*: For the more despitefully they inveigh against his *Lordship*, the more Reason hath her *Majesty* to trust him, and the *Realm* to honour him. It was wont to be a Token of scarce a good *Leidgeman* when the *Enemy* spoiled the *Countrey* and left any particular mens *Houses* or *Fields* unwasted.

6. *Certain true general Notes upon the Actions of the Lord Burleigh.*

BUt above all the rest, it is a strange Fancy in the *Libeller* that he mi-keth his Lordship to be *Primum Mobile* in every Action without Distinction that to him her *Majesty* is *Accomptant* of her *Resolutions*. That to him the *Earl of Leicester* and Mr. *Secretary Walsingham*, both Men of great Power, and of great wit and understanding, were but as Instruments whereas it is well known, that as to her *Majesty* there was never a *Counsellor* of his

his Dayes long Continuance that was so applyable to her Majesties Princely Resolutions; Endeavouring always after Fatherly Preparations and Remembrances and those in the best words, and the most Grateful manner, to rest upon such Conclusions, as her Majesty in her own wisdome determineth and them to execute to the best: So far hath he been from Contentious or drawing her Majesty into any his own Causes. And as for the forenamed Possibles and others, with whom his Lordship hath conforted in her Majesties service It is rather true that his Lordship out of the greatness Experience, and Wisdome; And out of the Clearness of his Nature, hath qualified generally all hard and Extreame Courses, as far as the Service of her Majesty, and the safety of the State, and the making himself compatible with those with whom he served would permit. So far hath his Lordship been from inciting others, or running a full Course with them in that kind. But yet it is more strange that this Man should be so absurdly Malitious, as he should charge his Lordship, not onely with all Actions of State but also with all the Faults and Vices of the Times; As if curiosity and Emulation have bred some Controversies in the Church, Though, (thanks be to God) they extend but to outward Things; As if Wealth, and the encrease of Wits have brought forth Multitudes of Suits in Law; As if Excesse in Diets and in Magnificence joyned with the unfaithfulness of Servants, and the Greedinesse of married men have decayed the Patrimony of many Noble men, and others; That all these and such like Conditions of the Time should be put on his Lordships accompt; who hath been as far as to his Place appertaineth, a most Religious and Wise moderator in Church matters, to have unity kept who with great Justice hath dispatched infinite Causes in Law, that have orderly been brought before him; And for his own Example may say that, which few men can say, but was sometime said by Cephalus the Athenian so much Renowned in Plato's Works; who having lived near to the age of an 100. years; And in continual affaires and Business, was wont to say of himself; That he never sued any, neither had been sued by any: Who by reason of his Office hath preserved many Great Houses from Overthrow, by relieving sundry Extremities towards such as in their minority have been circumvented; And towards all such as his Lordship might advise, did ever perswade sober and limited expence. Nay, to make Proof further of his Contented manner of life, free from Suits and covetousness, as he never sued any man, so did he never raise any Rent, or put out any Tenant of his own; Nor ever gave consent to have the like done to any of the Queens Tenants; Matters singularly to be noted in this Age.

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But however, by this Fellow, as in a False Artificial Glass which is able to make the best Face Deformed, his Lordships doings be set forth, yet let his Proceedings (which be indeed his own) be indifferently weighed and considered; and let men call to mind that his Lordship was never a violent and Transported man in matters of State, but ever Respective and moderate; that he was never man in his particular a Breaker of Neces, no heavy Enemy, but ever Placable and mild; That he was never a Brewer of Holy water in Court, no Dallier, no Abuser, but ever Real and Certain; That he was never a Bearing man, nor Carrier of Causes, but ever gave way to Justice and Course of Law; That he was never a Glorious wilful proud man, but ever Civil and Familiar, and good to deal withal; That in the Course of his Service, he hath rather sustained the Burthen, then sought the Fruition of Honour or profit; Scarcely sparing any time from his Cares and Travels, to the Sustentation of his Health; That he never had, nor sought

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to have for himself and his *Children* any Penny-worth of *Lands or Goods* that appertained to any attainted of any *Treason*, *Felony*, or otherwise, that he never had or sought any kind of *Benefit* by any *Forfeiture* to her *Majesty*; That he was never a *Factious Commender* of Men as he that intended any waies to besiege Her, by bringing in men at his Devotion; But was ever a true Reporter unto her *Majesty* of every mans *Deserts* and *Abilities*, that he never took the Course to unquiet or offend, no nor exasperate her Majesty, but to content her mind, and mitigate her Displeasure; That he ever bare himself reverently and without *Scandal* in matters of *Religion* and without blemish in his *Private course of Life*, Let men I say without passionate malice call to mind these things, and they would think it reason that though he be not *canonized* for a *Saint in Rome*, yet he is worthily celebrated as *Pater Patriæ in England*, and though he be Libelled against by *Fugitives*; yet he is prayed for by a multitude of good Subjects and lastly though he be envyed whilest he liveth, yet he shall be deeply wanted when he is gone. And assuredly many Princes have had many Servants of *Trust*, *Name*, and *sufficiency*; But where there have been great parts, there hath often wanted *Temper of Affection*; Where there have been both *Ability and moderation*, there have wanted *Diligence and love of Travel*, where all three have been, there have sometimes wanted *Faith* and Sincerity, where some few have had all these four, yet they have wanted *Time and Experience:* But where there is a *Concurrence* of all these there is no no marvail though a *Prince* of *Judgement* be constant in the *Employment* and *Trust* of such a *Servant*.

7. *Of divers particular* Untruths *and* Abuses dispersed *through the* Libel.

THE Order which this man keepeth in his *Libel* is such as it may appear that he meant but to empty some *Note Book of matters of England*, To bring in (whatsoever came to it) a Number of Idle Jests which he thought might fly abroad and intended nothing less than to clear the matters be handled by the *Light* of *Order* and *distinct writing*. Having therefore in the *principal points* namely the second, third, and fourth Articles, ranged his scattering and wandring Discourse into some *Order* such as may help the Judgement of the *Reader*, I am now content to gather up some of his By-matters and stragling Untruths and very briefly to censure them.

Pag. 9. he saith, *That his Lordship could neither by the Greatness of his Beades, creeping to the Cross, nor exteriour shew of devotion before the high Altar, find his entrance into high* Dignity *in Queen* Maries *Time.* All which is a meer *Fiction* at pleasure: For *Queen* Marie bare that respect unto him in regard of his constant standing for her *Title*, that she desired to continue his *Service*; The *Refusal* thereof growing from his own part: He enjoyed nevertheless all other *Liberties and Favours* of the time save only that it was put in the *Queens head* that it was dangerous to permit him to go beyond the Sea, because he had a great Wit of *Action*, and had served in so principal a place which nevertheless after with *Card. Pool* he was suffered to do.

Pag. *Eadem* he saith, *Sir Nich. Bacon*, that was *Lord Keeper* was a Man of *exceeding*

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exceeding crafty wit: Which sheweth that this *Fellow in his Slanders* is no good Marks-man, but throweth out his Words of *Defaming* without all *Level*. For all the *World* noted *Sir Nich. Bacon* to be a Man Plain, direct and Constant, without all Fineness and Doublenes; And one that was of the mind that a Man in his private Proceedings and Estate, and in the proceedings of State should rest upon the *Soundness* and *Strength* of his own *Grounds*, and not upon Practise to *Circumvent* others, according to the *Sentence of Solomon*; *Vir Prudens advertit ad Gressus suos, stultus autem divertit ad Dolos*: Insomuch that the *Bishop of Ross* a Subtile and Observing Man said of him; *That he could fasten no words upon him*, and that it *was Impossible to come within him, because he offered no play*. And *Queen Mother of France*, a very politick Princess said of him; *That he should have been of the Council of Spain, because he despised the Occurrents and rested upon the First Plot*; Lo that if he were *Crafty*, it is hard to say who is wise.

Pag. 10. he saith, That the *Lord Burleigh in the Establishment of Religion in the beginning of the Queens time, prescribed a Composition of his own Invention*; Whereas the same Form not fully six years before, had been received in this *Realm in King Edwards Time*: So as his *Lordship being a Christian politick Counsellor*, thought it better to follow a *President*, than to innovate; And chose the President rather at *Home than Abroad*.

Pag. 4. he saith, That *Catholicks* never attempted to murther any principal person of her *Majesties Court*, as did *Burchew*, (whom he calleth a *Puritan*) In wounding of a Gentleman instead of *Sir Christopher Hatton*; But by their great *Vertue, modesty, and Patience*, do manifest in themselves, a far different *Spirit* from the other Sort. For *Burchew* it is certain he was Mad; as appeareth not onely by his Mad Mistaking, but by the violence that he offered after to his *Keeper*; And most evidently by his behaviour at his *Execution*: But of *Catholicks* (I mean the *Traiterous sort* of them) a Man may say as *Cato* said sometimes of *Cæsar*; *Eum ad everrendam Remp. sobrium accessisse*: *They came sober and well advised to their Treasons and Conspiracies*; And Commonly they look not so low as the *Counsellors*, but have bent their murderous Attempts, immediately against her *Majesties sacred person* (Which *God have* in his precious Custody) as may appear by the *Conspiracy of Sommerville, Parry, Savadge*, the *Six*, and others Nay they have defended it in *Theses*, to be a *Lawfull Act*.

Pag 43. he saith, that his *Lordship* whom he calleth the *Arch-Politick*, hath fraudulently provided, that when any *Priest* is arraigned, the *Indictment* is enforced with many odious Matters: Wherein he sheweth great *Ignorance* if it be not *Malice*: For the *Law* permitteth not the *Ancient Formes of Indictments* to be altered; Like as in an *Action of Trespass*, although a Man take away anothers Goods in the peaceablest manner in the *World*, yet the *Writ* hath *Quare vi & Armis*; And if a Man enter upon anothers Ground and do no more, the *Plantife* mentioneth *Quod Herbam suam ibidem crescentem; cum Equis, Bovis, porcis, & Bidentibus, depastus sit, conculcavit & consumpsit*. Neither is this any Absurdity; For in the practise of all *Law*, the *Formularies* have been *Few and Certain*; And not varied according to every *Particular Case*. And in *Indictments* also of *Treason*, it is not so far fetched, as in that of *Trespass*; For the *Law* ever presumeth in *Treason*, an Intention of *subverting the State*, and Impeaching the *Majesty Royal*.

Pag. 45. and in other places, speaking of the *persecuting of the Catholicks*, he still

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ttill mentioneth *boyllings* and *Consuming Mens Entrailes* by *Fire*, As if this were a *Torture* newly devised; Wherein he doth *Cautelously* and *Maliciously* suppresse that the *Law and Custom* of this *Land* from all *Antiquity* hath ordained that punishment in *Case of Treason* and permitteth no other. And a *Punishment* surely it is though of great Terrour, yet by reason of the quick *Dispatching* of less Torment far then either the *Wheele* or *Forcipation*, yea than *Simple Burning*.

Pag. 48. he saith *England* is confederate with the *Great Turk*, wherein if he mean it because the *Merchants* have an *Agent* in *Constantinople*; How will he answer for all the *Kings of France* since *Francis* the First which were good *Catholicks*? For the *Emperor*? for the *King of Spain* himself? for the *Senate of Venice*, and other *States*, that have had long time *Embassadors Liedgers* in that *Court*? If he mean it because the *Turk* hath done some special Honour to our *Embassadour* (if he be so to be termed) we are beholding to the *King of Spain for that*; For that the Honour we have won upon him by Opposition, hath given us Reputation through the *World*: If he mean it because the *Turk* seemeth to affect us for the Abolishing of *Images*; Let him consider then what a Scandal the Matter of *Images* hath been in the *Church*: as having been one of the principal Branches whereby *Mahumetisme* entred.

Page 65. he saith, *Cardinal Allen* was of late very neir to have been elected *Pope*. Whereby he would put the *Catholicks* here in some hope, that once within Five or Six years (For a *Pope* commonly sitteth no longer) he may obtain that which he missed narrowly. This is a direct *Untruth*; For it is certain in all the *Conclaves* since *Sixtus Quintus* who gave him his *Hat*, he was never in possibility: Nay the *King of Spain* that hath patronized the *Church of Rome* so long as he is become a right Patrone of it; In that he seeketh to present to that *See* whom he liketh; yet never durst strain his Credit to so desperate a Point as once to make a Canvas for him: No, he never nominated him in his *Inclusive Narration*. And those that know anything, of the *Respects of Conclaves* know that he is not *Papable*; First because he is an *Ultramontane*, of which sort, there hath been none these Fifty years: Next, because he is a *Cardinal* of *Almes of Spain*, and wholely at the *Devotion* of that *King*, thirdly because he is like to employ the *Treasure* and *Favours* of the *Popedome* upon the *Enterprises of England*, and the *Relief* and *Advancement* of *English Fugitives*, his *Necessitous Countrymen*; So as he presumed much upon the *Simplicity* of the *Reader* in this point as in many more.

Page 55. and again Page 70. he saith; His *Lordship* (meaning the *Lord Burleigh*) Intendeth to match his *Grandchild* Mr. *William Cecil* with the *Lady Arbella*. Which being a meer *Imagination* without any *Circumstance* at all to enduce it; More then that they are both *unmarried*; And that their years agree well needeth no answer. It is true that his *Lordship* being no *Stoical Unnatural* Man, but loving towards his *Children*; For *Charitas Reip. incipit à Familia*) Hath been glad to match them into *Honourable and good Blood*; And yet not so, but that a private *Gentleman of Northamptonshiere* that lived altogether in the Countrey, was able to bestow his *Daughters* higher than his *Lord* hath done. But yet it is not seen by any thing past, that his *Lordship* ever thought or affected to match his *Children in the Blood Royal*: His *Lordships Wisdom* which hath been so long of gathering, teacheth him to leave to his *Posterity* rather *Surety* then *Danger*. And I marvail where be the Combinations which have been with Great Men: And the Popular and Plausible *Courses*, which

which ever accompany such designes, as the *Libeller* speaketh of: And therefore this *Match* is but like unto that which the same *Fellow* concluded between the same *Lady Arbella* and the *Earl of Leicesters* Son when he was but a twelve Moneth old.

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Pag. 70. he saith, he labours incessantly with the *Queen* to make his *Lord* the *Deputy of Ireland*. As if that were such a Catch, Considering all the *Deputies* since her *Majesties* time (except the *Earl of Sussex* and the *Lord Grey*) have been persons of meaner Degree then Sir *Thomas Cecill is*. And the most that is gotten by that place, is but the Saving and putting up of a mans own Revenue's, during those yeers that he serveth there; And this perhaps to be served with some *Displeasure* at his *Return*.

Pag. eadem fere: He hath brought in his *Second Son* Sir *Robert Cecil* to be of the *Counsel* who hath neither *Wit nor Experience*, Which Speech is as notorious an untruth as is in all the *Libell*: For it is confessed by all Men that know the *Gentleman* that he hath one of the Rarest and most *Excellent Wits of England*, with a singular Delivery and Application of the same: whether it be to use a Continued Speech, Or to Negotiate or to touch in Writing, or to make Report or discreetly to consider of the Circumstances and aptly to drain things to a point, and all this joyned, with a very good Nature and great respect to all Men, as is daily more and more revealed. And for his experience it is easie to think that his *Trayning* and helps hath made it already such as many as served long *prentisshood* for it, have not attained the like: So as if that be true; *Qui beneficium Digno dat omnes obligat*; Not his *Father* only, but the *State* is bound unto her *Majesty*, for the choice and employment of so *sufficient and worthy a Gentleman*.

There be many other Follies and absurdities in the Book: which if an *Eloquent Scholler* had it in Hand, he would take advantage thereof and justly make the *Author* not onely Odious but Ridiculous and Contemptible to the *World*. But I pass them over, and even this which hath been said hath been vouchsafed to the vallue, and *Worth of the Matter*, and not the *worth of the Writer*; who hath handled a *Theam* above his *Compass*.

8. *Of the* Heigth *of* Impudency *that these* Men *are grown unto in publishing and avouching* untruths, *with a* particular Recital *of some of them for an* Assay.

THese *Men are grown* to a singular Spirit and Faculty in Lying and Abusing the world, such as it seemeth although they are to purchase a particular *Dispensation* for all other *Sins*; yet they have a *Dispensation Dormant* to lie for the *Catholique Cause*, which moveth me to give the *Reader* a Taste of their *Untruth*, such as are written and are not meerely grosse and palpible, desiring him out of their own writings, when any shall fall into his *Hands*, to encrease the *Roule* at least in his own *Memory*.

We retain in our *Calenders* no other *Holy-dayes* but such as have their *Memorials in the Scriptures*: And therefore in the *Honour of the Blessed Virgin*, we onely receive the Feasts of the *Annunciation* and the *Purification*;

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tion; Omitting the other of the *Conception* and the *Nativity*; Which *Nativity* was used to be celebrated upon the 8th. of *September*, the *Vigil* whereof hapned to be the *Nativity of our Queen*: which though we keep not *Holy*, yet we use therein certain *Civil Customes of Joy* and *Gratulation*; As *Ringing of Bells Bonfires* and such like; And likewise make a *Memorial* of of the same *Day* in our *Calender*: whereupon they have published; *That we have expunged the Nativity of the Blessed Virgin, and put in stead thereof the Nativity of our Queen.* And further that sing certain *Hymns* unto her, used to be sung unto our *Lady*.

It happened, that upon some *Bloud-shed in the Church of Pauls* according to the *Canon Law*, yet with us in force, the said *Church* was interdicted, and so the *Gates* shut up for some few Dayes, whereupon they published that because the same *Church* is a place where *People* use to meet to walk and confer, the *Queens Majesty* after the manner of the Ancient *Tyrants*, had forbidden all Assemblies and meetings of People together; And for that Reason upon extreme Jealousie did cause *Pauls Gates* to be shut up.

The *Gate of London* called *Lud-Gate* being in decay was pulled down; And built anew: And on the one side was set up the Image of *King Lud* and his two *Sons*; who according to the Name was thought to be the first *Founder* of that *Gate*: And on the other side the *Image of her Majesty*, in whose time it was reedified: whereupon they published that her *Majesty* after all the *Images of the Saints* were long beaten down, had now at last set up her own *Image* upon the principal *Gate of London*, to be adored, and all men were forced to do reverence to it as they passed by, and a watch there placed for that purpose.

Mr. *Jewel* the *Bishop of Salisbury*, who according to his Life died most godly and patiently; At the Point of *Death* used the Versicle of the *Hymne Te Deum*, *Oh Lord in thee have I trusted, let me never be confounded*; Whereupon suppressing the rest, they published, that the principal *Champion* of the *Heretucks* in his very last words cryed he was confounded.

In the *Act* of *Recognition of primo*, whereby the *Right* of the *Crown is* acknowledged by *Parliament* to be in her *Majesty* (The like whereof was used in *Queen Maries* time) The words of *Limitation* are, In the *Queens Majestie, and the Natural Heirs of her Body, and her lawfull Successors.* Upon which word (*Natural*) they do maliciously and indeed villanously glose That it was the Intention of the *Parliament* in a Cloud to convey the *Crown*, to any Issue of her *Majesties* that were *Illegitimate*; Whereas the word (Heire) doth with us so necessarily and pregnantly import *Lawfulness*; as it had been, *Indecorum* and *uncivil speaking* of the *Issues of a Prince* to have expressed it.

They set forth in the year a *Book with Tables* and *Pictures* of the *Persecutions against Catholiques*; Wherein they have not onely stories of 50. years old to supply their *Pages*, But also taken all the persecutions of the *Primitive Church*, under the Heathen, and translated them to the practise of *England*. As that of *Worrowing Priests* under the *Skins of Bears*; by *Doggs*, and the like.

I conclude then that I know not what to make of this Excess in *Avouching untruths*, save this, That they may truely *Chaunt* in their *Quires*; *Linguam nostram magnificabimus, Labia nostra nobis sunt*: And that they have long ago, forsaken the *truth of God* which is the *Touchstone* much now hold by the *Whetstone*; And that their *Ancient Pillar of Lying wonders* being decayed they must now hold by *lying slanders* and make their *Libels* Successors to their *Legend*.

A

A TRUE

REPORT,

Of the deteſtable

TREASON,

INTENDED

By Doctor *RODERIGO LOPEZ*,
A Phyſician attending upon the Perſon
Of the *QUEENS MAJESTY*

Whom *He* for a Sum of Money, promiſed to be paid him by the *King of Spain*, did undertake to have deſtroyed by *Poiſon*; with certain *Circumſtances*, both of the *Plotting and Detecting* the ſame *TREASON*.
Penned during the Queens Life.

THe *King of Spain* having found by the *Enterpriſe* of 88. the Difficulty of an *Invaſion of England*; And having alſo ſince that time embraced the Matters of *France* (being a Deſign of a more eaſie nature, and better prepared to his hand) hath of neceſſity for a time layed aſide the Proſecution of his Attempts againſt this *Realm* by open Forces, as knowing his Means unable to wield both Actions at once, as well that of *England* as that of *France*. And therefore, caſting at the Faireſt, (hath in a manner) bent his whole ſtrength upon *France* making in the mean time onely a *Defenſive War* upon the *Low-Countries*. But finding again, that the Supports and Aids which her *Majeſty* hath continued to the *French King* are a principal Impediment and Retardation to his prevailing there according to his Ends, he hath now of late by all means projected to *trouble the Waters* here and to cut us out ſome work at home; That by practiſe without *Diverting* and *Employing* any great *Forces*, he might nevertheleſs divert our *Succours from France*.

According to which purpoſe he firſt proved to move ſome *Innovation* in Scotland.

A true Report of Dr. Lopez his Treason

Scotland, not so much in hope to alienate the King from the Amity of her Majesty, as practizing to make a party there against the King himself: Whereby he should be compelled to use her Majesties Forces for his Assistance. Then he sollicited a Subject within this Realm (being a Person of great Nobility) to rise in Arms and levy War against her Majesty, which practise was by the same Nobleman loyally and prudently revealed. and lastly, (rather (as it is to be thought) by the Instigation of our Traiterous Fugitives in Forrain parts, and the corrupter sort of his Counsellours, and Ministers, then of his own nature, and Inclination) either of himself or his said Counsellours and Ministers using his name, have descended to a course against all Honour all Society and humanity, Odious to God and man, detested by the Heathen themselves which is to take away the Life of her Majesty (which God have in his precious Custody) by violence or poyson. A matter which might be proved to be not onely against all Christianity and Religion, but against Nature, the Law of Nations, the Honour of Armes, the Civil Law, The Rules of Morality and Policy: Finally to be the most condemned, Barbarous, and Feirne Act that can be imagined: yea, (supposing the Quarrels and Hostility, betweene the Princes to be never so Declared and so Mortal) yet were it not that it would be a very Reproach unto the Age, that the matter should be once disputed or called in question, it could never be defended. And therefore I leave it to the Censure which Titus Livius giveth in the like case upon Perseus the last King of the Macedons, afterwards overthrown, taken with his Children, and led in Triumph by the Romans. *Quem non ipsum Bellum gerere Regio Animo sed per omnia clandestina grassari scelera, Latrociniorum ac venificiorum coercebant.*

But to proceed, certain it is, that even about this present time, there have been suborned and sent into this Realm, divers persons, some English some Irish, corrupted by money, and Promises, and resolved and Conjured by Priests in Confession to have executed that most wretched and horrible Fact: Of which Number certain have been taken and some have suffered, and some are spared because they have with great sorrow confessed these Attempts, and detested their Suborners. And if I should conjecture what the reason is why this cursed enterprise was at this time so hotly, and with such diligence pursued, I take it to be chiefly because the Matters of France was ripe, and the King of Spain made himself ready to unmask himself, and to reap that in France, which he had been long in sowing, in regard that there being like to be a Divulsion in the League by the Reconciliation of some of the Heads to the King, the more passionate Sort being destituted by their Associates, were like to cast themselves wholly into the King of Spains Arms, and to dismember some important piece of that Crown, though now upon this fresh accident Receiving of the King into Paris it is to be thought that both the worst affected of the League will submit themselves upon any tolerable Conditions to their Natural King thus advanced in strength and Reputation, and the King of Spain will take a second Advise ere he embarque himself too far in any new Attempt against France. But taking the Affaires as they then stood before this Accident unexpected; Especially of the Council of Spain, during this his supposed Harvest in France; His Counsel had reason to wish that there were no Disturbance from hence, where they make account that if her Majesty were removed (upon whose person God continue his extraordinary Watch and Providence) here would be nothing but Confusion, which they do not doubt but with some no great Treasure, and Forces from without, may be nourished till they can more fully intend the Ruine of this State according to their ancient malice.

But

But howsoever that be, amongst the number of these execrable Undertakers, there was none so much built and relied upon by the Great Ones of the other side, as was this *Physitian Lopez*; nor (indeed) none so dangerous: whether you consider the aptness of the Instrument, or the subtilty and secresie of those that practised with him, or the shift and evasion which he had provided for a colour of his doings, if they shou'd happen to come into question. For first, whereas others were to find and encounter infinite difficulties in the very obtaining of an opportunity to execute this horrible act; and besides, cannot but see present and most assured death before their eyes: and therefore must be (as it were) *damnable Votaries* if they undertake it: This man, in regard of his Faculty, and of his private access to her *Majesty*, had both means to perpetrate, and *a way* to conceal, whereby he might reap the fruit of his wicked *Treason*, without evident *peril*. And for his *Complices* that practised with him, [illegible] and of the Retinue of *King Antonio*, the *King of Spains* Mo[illegible] enemy, they were men thereby freed and discharged from suspition, and might send Letters, and receive Letters, out of *Spain*, without jealousie; as those which were thought to entertain Intelligences there for the good of their *Maker*: And for the Evasion and *mask* that *Lopez* had prepared for this *Treason*, if it had not been searched and sifted to the bottom, it was, that he did intend but to cozen the King of *Spain*, without ill meaning; somewhat in the nature of that Stratagem which *Parry*, a most cunning and artificial *Traytor*, had provided for himself.

Nevertheless, this matter, by the great goodness of God, falling into good hands, of those Honourable and sufficient persons which dealt therein, was by their great and worthy industry so handled and followed, as this *Protean* of a disguized and transformed *Treason* did at last appear in his own likeness and Colours, which were as foul and monstrous as have been known in the world. For some of her *Majesties Councel* long since entred into consideration, that the Retinue of *King Antonio* (I mean some of them) were not unlike to hatch these kinds of Treasons, in regard they were needy Strangers entred into despair of their *Makers* Fortune, and like enough to aspire to make their Peace at home, by some such wicked services as these; and therefore grew to have an extraordinary vigilant eye upon them: Which prudent and discreet presumption, or conjecture, joyned with some advertisements of Espials abroad, and some other industry, was the first cause (next under the great benediction of God, which giveth unto *Princes* zealous Councellors, and giveth to Councellors policy, and discerning thoughts) of the revealing and discovering of these *Treasons* which were contrived in order and form, as hereafter is set down.

This *Lopez*, of *Nation* a *Portugeze*, and suspected to be in Sect secretly a *Jew*, (though here he conformed himself to the Rites of *Christian Religion*) for a long time professed *Physick* in this *Land*, by occasion whereof (being withall a man very observant and officious, and of a pleasing and appliable behaviour; in that regard, rather then for any great Learning in his Faculty) he grew known and favoured in *Court*; and was some years since sworn Physitian of her *Majesties Houshold*; and by her *Majesties* bounty, of whom he had received divers *gifts* of good commodity, was grown to good Estate of Wealth.

This man had insinuated himself greatly (in regard he was of the same *Nation*) with the *King Antonio*, whose Causes he pretended to soli-

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cit at the *Court*; Especially while he supposed there was any Appearance of his Fortune: of whom also he had obtained (as one that reserved all his doings to Gain) an Assignation of 50000. *Crowns* to be levyed in *Portugal*. But being a person wholly of a corrupt and Mercenary Nature, and finding his hopes cold from that part; He cast his eyes upon a more able paymaster, And secretly made offer long since of his Service to the *King of Spain*: And accordingly gave sundry Intelligences of that which passed here and imported most for the *King of Spain* to know, having no small Means in regard of his continual attendance at *Court*, Nearness, and access to learn many particulars of great weight. Which *Intelligences* he maintained, with *Fernardine Mendoza*, *Antonio Vega*, *Roderigo Marquez* and divers others.

In the Conveyance of which his *Intelligences*, and in the making known of his disposition to do the *King of Spain service*, he had (amongst others) one *Manuel Andrada a Portugeze*, revolted from *Don Antonio* to the *King of Spain*: One that was discovered to have practised the Death of the said *Don Antonio*, and to have betrayed him to *Bernardine Mendoza*. This Man coming hither, was, for the same, his practise appearing by Letters intercepted, apprehended and committed to Prison. Before which crime also, there had been by good diligence intercepted other Letters, whereby the said *Andrada* advertised *Mendoza*, that he had won Dr. *Lopez* to the *Kings* service: But *Lopez* having understanding thereof, and finding means to have secret conference with *Andrada* before his examination, perswaded with him to take the matter upon himself, as if he had invented that Advertisement touching *Lopez*, only to procure himself credit with *Mendoza*; And to make him conceive well of his Industry and Service. And to move him hereunto, *Lopez* set before *Andrada*, that if he did excuse him, he should have credit to work his delivery; whereas, if he did impeach him, he was not like to find any other Means of Favour. By which subtil perswasion *Andrada* when he came to be examined, answered according to the Direction and and Lessoning which *Lopez* had given him. And having thus acquitted himself of this suspicion, became a Suitor for *Andrada's* delivery craftily, suggesting that he was to do some notable Service to *Don Antonio*: In which this suit he accordingly prevailed. When *Lopez* had thus got *Andrada* out of prison he was suffered to go out of the *Realm* into *Spain*: In pretence (as was said) to do some service to *Don Antonio*; But in truth, to continue *Lopez Negotiation* and *Intelligences* with the *King of Spain*: which he handled so well, as at his Return hither, for the comforting of the said *Lopez*, he brought to him from the *King*, besides thanks and words of encouragement, and an *Alvazo* (which is the Complement of Favour,) a very good Jewel garnished with sundry stones of good value. This Jewel when *Lopez* had accepted, he cunningly cast with himself, that if he should offer it to her *Majesty* first, he was assured she would not take it; Next, that thereby he should lay her asleep, and make her secure of him for greater Matters; according to the saying; *Fraus sibi fidem in parvis præstruit ut in magnis opprimat*; which accordingly he did, with protestations of his fidelity: And her *Majesty* as a *Princess* of Magnanimity, not apt to fear or suspicion, returned it to him with Gracious words.

After *Lopez* had thus abused her *Majesty*, and had these Trials of the Fidelity of *Andrada*; they fell in conference (the matter being first moved by

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by *Andrada* as he that came freshly out of *Spain*) touching the *empoysoning of the Queen*. Which *Lopez* (who saw that matter of Intelligence without some such particular service would draw no great Reward from the *King of Spain*: such as a Man that was not Needy but wealthy as he was could find any Fault in) assented unto. And to that purpose procured again this *Andrada* to be sent over, as well to advertise and assure this Matter to the *King of Spain* and his Ministers (namely to the *Count de Fuentes*, *Assistant* to the *General* of the *King of Spains Forces* in the *Low-Countries*, as also to capitulate and contract with him about the Certainty of his Reward. *Andrada* (having received those Instructions and being furnished with money by *Lopez* procurement from *Don Antonio* about whose service his employment was believed to be, went over to *Calais*, where he remained to be near unto *England and Flaunders*, having a *Boy* that ordinarily passed to and fro between him and *Lopez*; By whom he did also (the better to colour his Employment) writ to *Lopez* Intelligence, as it was agreed he should between him and *Lopez*; Who bad him send such news as he should take up in the Streets. From *Calais* he writeth to *Count de Fuentes* of *Lopez's* promise and Demands. Upon the receipt of which *Letters* after some time taken, to advertise this Proposition into *Spain*, and to receive direction thereupon; The *Count de Fuentes* associated with *Stephano Ferra Secretary* of the *Council of the Wars* in the *Low-Countries*, calleth to him one *Manuel Louys Tinoco* a *Portugese*, who had also followed *King Antonio*; and of whose good Devotion he had Experience in that he had conveyed unto him two several Packquets, wherewith he was trusted by the *King Antonio* for *France*. Of this *Louys* they first received a *Corporal Oath*; with solemn *Ceremony*, taking his Hands between their Hands that he shou'd keep secret that which should be imparted to him, and never reveal the same though he should be apprehended and questioned here. This done, they acquaint him with the *Letters* of *Andrada* with whom they charge him to conferre at *Callais* in his way and to pass to *Lopez* into *England*, addressing him further to *Stephano Ferrera de Gama*, and signifying unto the said *Lopez*; withal (as from the *King*) that he gave no great credence to *Andrada*, as a person too slight, to be used in a Cause of so great weight: And therefore marvelled much that he heard nothing from *Ferrera* of this Matter, from whom he had in former time been advertised in generality of *Lopez's* good affection to do him service. This *Ferrera* had been sometimes a Man of great Livelyhood and wealth in *Portugal*, which he did forego in adhering to *Don Antonio*, and appeareth to be a Man of Capacity, and practise, but hath some years since been secretly won to the service of the *King of Spain*, not travelling nevertheless too and fro but residing as his Leiger in *England*.

Manuel Louys dispatched with these Instructions and with all affectionate commendations from the *Count to Lopez*, and with Letters to *Ferrera* took his Journey first to *Calais* where he conferred with *Andrada*; of whom receiving more ample Information together with a short Ticket of Credence to *Lopez*, that he was a Person whom he might trust without scruple came over into *England*, and first repaired to *Ferrera* and acquainted him with the State of the *Businesse*, who had before that time given some Light unto *Lopez*, that he was not a stranger unto the *Practise* betweene him and *Andrada*, wherewith (indeed) *Andrada* had (in a sort) acquainted him. And now upon this new Dispatch and knowledge given to *Lopez*,

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of the choice of *Ferrera* to continue that which *Andrada* had begun; He to conform himself the better to the satisfaction of the *King of Spain*, and his *Ministers* abroad, was content more fully to communicate with *Ferrera*, with whom from that time forward he meant singly and apertly to deal; And therefore cunningly forbear to speak with *Manuel Louys* himself; but concluded, that *Ferrara* should be his only *Trunk*, and all his Dealings should pass through his Hands, thinking thereby to have gone *Invisible*.

Whereupon he cast with himself, that it was not safe to use the mediation of *Manuel Louys*, who had been made privy to the matter as some base carrier of Letters; which Letters also should be written in a *Cypher*, not of *Alphabet*, but of *Words*; Such as might if they were opened, import no vehement suspition. And therefore *Manuel Louys* was sent back with a short Answeri, and *Lopez* purveied himself of a base Fellow, a *Portugez* called *Gomes d' Avila*, dwelling hard by *Lopez House* to convey his Letters. After this Messenger provided, it was agreed between *Lopez* and *Ferrera*, that Letters should be sent to the *Count de Fuentes* and *Secretary Juarra*, written and signed by *Ferrera* (for *Lopez* cautelously, did forbear to write himself) but directed and (indeed) dictated word by word by *Lopez* himself. The *Contents* thereof were; That *Lopez* was ready to execute that Service to the *King*, which before had been treated, but required for his Recompence the sum of 50000. *Crowns*, and assurance for the same.

These *Letters* were written obscurely (as was vouched) in Termes of *Merchandise*, to which Obscurity when *Ferrera* excepted, *Lopez* answered; They knew his meaning by that which had passed before. *Ferrera* wrote also to *Manuel Louys*, but charged this *Gomez* to deliver the same Letters unto him in the presence of *Juarra*; As also the Letter to *Juarra* in the presence of *Manuel Louys*. And these Letters were delivered to *Gomez de' Avila* to be carried to *Bruxels*; And a Pasport procured, and his charges defrayed by *Lopez*. And *Ferrera* the more to approve his Industry, writ *Letters* two several times, the one conveyed by *Emanuel Palacios*; with the privity of *Lopez*, to *Christophero Moro* a principal *Councellor* of the *King of Spain*, in *Spain*; Signifying that *Lopez* was won to the *King of Spain*, and that he was ready to receive his Commandement, and received a *Letter* from the same *Christophero Moro*, in answer to one of these, which he shewed unto *Lopez*. In the mean time, *Lopez*, though a Man (in semblance) of a heavy wit, yet indeed subtil of himself, as one trained in practise; And besides as wily as Fear and Covetousness could make him, thought to provide for himself (as was partly touched before) as many starting Holes and Evasions as he could devise; If any of these Matters should come to light. And first he took his time to cast forth some general words a far off to her *Majesty*, as asking her the Question; *Whether a deceiver might not be deceived?* Whereof her *Majesty* (not imagining these words tended to such end as to warrant him colourably in this wretched *Conspiracy*, but otherwise of her own natural Disposition bent to integrity and sincerity) uttered dislike and disallowance. Next, he thought he had wrought a great Mystery in demanding the precise sum of 50000. *Crowns* agreeing just with the sum of Assignation or Donation from *Don Antonino*; Idely, & in that grossely imagining, that if afterwards he should accept the same sum, he might excuse it, as made good by the *King of Spain*; in regard he desisted to follow and favour *Don Antonio*: Whereupon the *King of Spain* was in honour tied not to see him

him a Looker. Thirdly, in his conferences with *Ferrera*, when he was opposed upon the particular manner, how he would poyson her *Majesty*, he purposely named unto him a *Syrup*, knowing that her *Majesty* never useth *Syrup*; and therefore thinking that would prove an high point for his Justification, if things shou'd come in any Question.

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But all this while desirous after his prey, which he had in hope devoured, he did instantly importune *Ferrera* for the answering of his last *dispatch*, finding the delay strange, and reiterating the Protestations of his readiness to do the service, if he were assured of his *Money*.

Now before the return of *Gomez d' Avila* into *England*, this *Steven Ferrera* was discovered to have intelligence with the Enemy; but so, as the particular of his Traffick and Overtures appeared not, only it seemed there was great account made of that he managed; and thereupon he was committed to Prison. Soon after arrived *Gomez d' Avila*, and brought *Letters* only from *Manuel Louys*, by the Name of *Francisco de Flores*; because (as it seemeth) the great persons, on the other side, had a contrary disposition to *Lopez*, and liked not to write by so base a Messenger, but continued their course to trust and imploy *Manuel Louys* himself, who in likelihood was retained till they might receive a full conclusion from *Spain*, which was not till about two moneths after. This *Gomez* was apprehended at his Landing; and about him were found the *Letters* aforesaid, written in *Jargon*, or *Verbal Cypher*, but yet somewhat suspitious, in these words; *This Bearer will tell you the price in which your Pearls are esteemed, and in what resolution we rest about a little Musk and Amber, which I am determined to buy.* Which words the said *Manuel Louys* afterwards voluntarily confessed to be deciphered, in this sort; That by the *allowance* of the *Pearls*, he meant, that the *Count de Fuentes*, and the *Secretary*, did gladly accept the offer of *Lopez* to *poyson the Queen*, signified by *Ferrera*'s Letter; and for the provision of *Amber* and *Musk*, it was meant, that the *Count* looked shortly for a resolution from the *King of Spain*, concerning a matter of importance, which was for *burning* of the *Queens Ships*; and another point, tending to the satisfaction of their vindicative humour.

But while the sense of this former *Letter* rested ambiguous, and that no direct particular was confessed by *Ferrera*, nor sufficient light given to ground any rigorous examination of him, cometh over *Manuel Louys* with the resolution from *Spain*; who first understanding of *Ferrera*'s restraint, and therefore doubting how far things were discovered, to shadow the matter, like a cunning Companion, gave advertisement of an intent he had to do service, and hereupon obtained a Pass-port: But after his coming in, he made no hast to reveal any thing, but thought to dally and abuse in some other sort. And while the light was thus in the Clouds, there was also intercepted a little *Ticket* which *Ferrera* in Prison had found means to write, in care to conceal *Lopez*, and to keep him out of danger, to give a Caveat of staying all further answers and advertisements in these causes. Whereupon *Lopez* was first called in Question.

But in conclusion, this matter being with all assiduity and policy more and more pierced and mined into: First, there was won from *Manuel Louys* his *Letters* from the *Count de Fuentes*, and Secretary *Juarez* to *Ferrera*; in both which, mention is made of the *Queens death*: In that of the *Counts*, under the term of a *Commission*; and in that of the *Secretaries*, under the term of the *Great Service*, whereof should arise an universal *benefit* to the *whole World*. Also the *Letters* of *Credit*, written by *Gonzalo Gomez*; one to *Pedro*

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de Carrera, and the other to *Juan Pallacio*, to take up a sum of money by *Manuel Louys*, by the foresaid false name of *Fr. de Theres*; Letters so large, and in a manner without limitation, as any sum by virtue thereof might be taken up: Which Letters were delivered to *Louys* by the *Count de Fuentes's* own hands, with directions to shew them to *Lopez* for his assurance; a matter of Gods secret working in staying the same; for thereupon rested only the execution of the Fact of *Lopez*. Upon so narrow a point consisted the safety of her *Majesties* Life, already sold by Avarice, to Malice, and Ambition, but extraordinarily preserved by that *Watchman which never slumbreth*. This same *Emanuel Louys*, and *Steven Ferrera* also, whereof the one managed the matter abroad, and the other resided here to give correspondence, never meeting, after *Emanuel* had returned, severally examined without torture or threatning, did in the end voluntarily and clearly confess the matters above-mentioned, and in their Confessions fully consent and concur, not only in substance, but in all points, particularities, and circumstances; which Confessions appear expressed in their own Natural Language, testified and subscribed with their own hands, and in open Assembly, at the *Arraignment* of *Lopez*, were by them confirmed and avouched to *Lopez* his face; and therewithall are extant undefaced, the Original Letters from *Count de Fuentes*, *Secretary Zuara*, and the rest.

And *Lopez* himself at his first apprehension and examination did indeed deny; and deny with deep and terrible oaths and execrations, the very Conferences and Treaties with *Ferrera*, or *Andrada*, about the *Empoysonment*. And being demanded, if they were proved against him, what he would say? He answered, *That he would yield himself guilty of the Fact intended*. Nevertheless, being afterwards confronted by *Ferrera*, who constantly maintained to him all that he said, reducing him to the times and places of the said *Conferences*, he confessed the matter, as by his *Confession* in writing, signed with his own hand, appeareth. But then he fell to that slender Evasion, as his last Refuge, that he meant only to cozen the *King of Spain* of the Money; and in that he continued at his *Arraignment*; when notwithstanding, at the first, he did retract his own *Confession*: And yet being asked, whether he was drawn either by mean of torture, or promise of life, to make the same *Confession*, he did openly testifie, that no such means was used towards him.

But the falshood of this Excuse being an Allegation that any *Traytor* may use and provide for himself, is convicted by three notable *Proofs*. The first, That he never opened this matter, neither unto her *Majesty*, unto whom he had ordinary access, nor to any *Councellor of State*, to have permission to tell on, and inveigle these parties with whom he did treat, if it had been thought so convenient; wherein, percase, he had opportunity to have done some good service, for the further discovery of their secret machinations against her *Majesties Life*. The second, That he came too late to this shift; having first bewrayed his guilty Conscience, in denying those Treaties and Conferences, till they were evidently and manifestly proved to his face. The third, That in conferring with *Ferrera* about the manner of his assurance, he thought it better to have the money in the hands of such *Merchants* as he should name in *Antwerp*, then to have brought it into *England*; declaring his purpose to be, after the Fact done, speedily to fly to *Antwerp*, and there to tarry some time, and so to convey himself to *Constantinople*; where it is affirmed, that *Don Salomon*, a Jew in good credit, is *Lopez* his near *Kinsman* and that he is greatly favoured by the said *Don Salomon*: whereby

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it is evident that *Lopez* had cast his Reckonings upon the supposition of the fact done.

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Thus may appear, both how justly this *Lopez* is condemned for the highest *Treason* can be imagined; And how, by *Gods* marvellous Goodnes her *Majesty* hath been preserved. And surely if a Man do truely consider, it is hard to say; Whither *God* hath done greater things by her *Majesty* or for Her: If you observe on the other side, how *God hath* ordained her Government, to break and cross the unjust Ambition of the Two *Mighty Potentates*, *the King of Spain and the Bishop of Rome*, never so straitly betwen themselves combined: And on the other side how mightily *God* hath protected her, both against forrain *Invasion* and *Inward Troubles* and singularly against the many secret Conspiracies, that have beene made against her Life Thereby declaring to the world that he will indeed *preserve that instrument*, which he hath magnified. But the Corruptions of these Times are wonderfull when that Wars, which are the highest Trials of Right betweene *Princes* (that acknowledge no superiour Jurisdiction) and ought to be prosecuted with all Honour, shall be stained and infamed with such Foul and Inhumane practises. Wherein if so great a *King* hath been named, the *Rule* of the *Civil Law* (which is a *Rule* of *Common Reason*) Must be remembred; *Frustra Legis auxilium implorat qui in Legem Committit.* He that hath sought to violate the *Majesty Royal*, the Highest Degree cannot claim the preheminence thereof to be exempted from just Imputation.

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AN ADVERTISEMENT TOUCHING THE CONTROVERSIES OF THE CHURCH OF *ENGLAND*.

IT is but ignorance, if any man find it strange, that the *State* of *Religion* (especially in the dates of peace) should be exercised and troubled with *Controversies*: For as it is the condition of the *Church Militant* to be ever under *Tryals*; so it cometh to pass, that when the *Fiery Tryal* of *Persecution* ceaseth, there succeedeth another *Trial*, which (as it were) by contrary blasts of *Doctrine*, doth sift and winnow mens *Faith*, and proveth whether they know *God* aright; even as that other of afflictions discovereth whether they *love* him better than the *World*. Accordingly was it foretold by *Christ*, saying, *That in the latter times it should be said, Lo here, lo there is Christ*: Which is to be understood, not as if the very *Person* of *Christ* should be assumed and counterfeited, but his Authority and Preheminence (which is to be the Truth it self) should be challenged and pretended. Thus have we read and seen to be fulfilled that which followeth, *Ecce in Deserto*, *Ecce in Penetralibus*: While some have sought the Truth in the *Conventicles* and *Conciliables* of *Hereticks* and Sectaries; others in the *extern face* and *representation* of the *Church*, and both sorts have been seduced; were it then that the *Controversies* of the *Church* of *England* were such, as they did divide the *Unity* of the *Spirit*, and not only such as do *unswath* her of her *Bands*, (the *Bands* of *Peace*) yet could it be no occasion for any *pretended Catholick* to judge us, or for any *irreligious person* to despise us; or if it be, it shall but happen to us all as it hath used to do to them to be *hardned*, and to us to endure the good pleasure of *God*. But now that our *contentions* are such, as we need not so much that general *Canon* and *Sentence* of *Christ* propounded against *Hereticks*: *Erratis, nescientes Scripturas, & potestatem Dei. You do err, not knowing the Scriptures, and the Power*

Power of God; as we need the *admonition* of S. *James*, *Let every man be swift to hear, slow to speak, slow to wrath*; and that the wound is no way dangerous, except we poyson it with our remedies: As the former sort of men have less reason to make themselves *Magick* in our *assents*; so I have good hope, that nothing shall displease our selves, which shall be sincerely and modestly propounded for the appeasing of these *dissentions*. For if any shall be offended at this voice, *Nos estis fratres*; *we are Brethren, why strive ye?* He shall give a great presumption against himself, that he is the Party that doth his Brethren wrong.

The *Controversies* themselves I will not enter into, as judging, that the *Disease* requireth rather rest than any other *cure*. Thus much we all know and confess, that they be not of the highest nature, for they are not touching the high *Mysteries* of *Faith*, such as detained the *Churches* for many years after their first Peace, what time the *Heretick*s moved curious questions, and made strange *Anatomies* of the *Nature* and *Person* of *Christ*; and the *Catholick Fathers* were compelled to follow them with all subtility of Decisions and determinations to exclude them from their *Evasions*, and to take them in their *Labyrinths*; so as it is rightly said, *Illis temporibus, tam operosa res fuit, esse Christianum: In those daies it was an ingenious and subtil thing to be a Christian.*

Neither are they concerning the great parts of the *Worship of God*, of which it is true, that *Non servatur unitas in Credendo, nisi eadem sit in Colendo: There will be kept no unity in believing, except it be entertained in worshipping*; such as were the *Controversies* of the *East* and *West Churches* touching *Images*, and such as are many of those between the *Church* of *Rome*, and *us*; as about the *adoration* of the *Sacrament*, and the like: But we contend about *Ceremonies*, and *things indifferent*, about the *extern Policy* and *Government* of the *Church*: In which kind, if we would but remember that the ancient and true bounds of Unity are *one Faith*, *one Baptisme*, and not *one Ceremony*, *one Policy*; if we would observe the *League* amongst Christians that is penned by our Saviour, *He that is not against us, is with us*; if we could but comprehend that saying, *Differentiæ Rituum commendant unitatem Doctrinæ*; *The diversities of Ceremonies do set forth the unity of Doctrine*; and that *Habet Religio quæ sunt Æternitatis, habet quæ sunt temporis*; *Religion hath parts which belong to Eternity, and parts which pertain to time*: And if we did but know the virtue of Silence, and slowness to speak, commended by Saint *James*, our *Controversies* of themselves would close up, and grow together: But most especially, if we would leave the overweaning and turbulent humours of these times, and revive the blessed proceeding of the *Apostles* and *Fathers* of the *Primitive Church*, which was in the like and greater cases not to enter into *Assertions* and *Positions*, but to deliver *Counsels* and *Advises*, we should need no other remedy at all; *Si eadem Consulis, (frater) quæ affirmas, consulenti debetur Reverentia, cum non debeatur Fides affirmanti: Brother, if that which you set down as an Assertion, you would deliver by way of advice, there were Reverence due to your counsel, whereas Faith is not due to your Affirmation.* Saint *Paul* was content to speak thus, *Ego, non Dominus, I, and not the Lord*: Et, *secundum Consilium meum*; *According to my Counsel*: But now men do too lightly say, *Non ego, sed Dominus*; *not I, but the Lord*: yea, and bind it with an heavy denuntiation of his Judgments to terrifie the simple, which have not sufficiently understood out of *Solomon*, *That the causeless Curse shall not come.*

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Therefore seeing the accidents are they which breed the peril, and not the things themselves in their own nature, it is meet the remedies be applied unto them, by opening what it is on either part, that keepeth the wound green, and formalizeth both sides to a further opposition, and worketh an indisposition in mens minds to be reunited, wherein no Accusation is pretended. But I find in *Reason*, that *Peace* is best built upon a repetition of wrongs; and in example, that the Speeches which have been made by the wisest men, *De Concordia Ordinum*, have not abstained from reducing to memory the extremities used on both parts; so as it is true which is said, *Qui pacem tractat non is repetit conditionibus dissidii, is magis animos hominum dulcedine pacis fallit, quam æquitate componit.*

And first of all, it is more then time that there were an end and surseance made of this immodest and *deformed* manner of writing lately entertained, whereby *Matter of Religion* is handled in the stile of the *Stage*. Indeed, bitter, and earnest Writing must not hastily be condemned; For Men cannot contend Coldly, and without affection about Things which they hold dear and precious. A Politick Man may write from his *Brain*, without Touch and Sense of his Heart; As in a Speculation that appertaineth not unto him: But a *Feeling Christian* will express in his words a *Character of Zeal* or Love. The latter of which, as I could wish rather embraced being more proper for these Times, yet is the Former warranted also by great *Examples*.

But to leave all Reverent and Religious Compassion towards Evils, or Indignation towards Faults, and to turn *Religion* into a Comedy or Satyre, To search and rip up wounds with a *Laughing Countenance*, to intermix *Scripture* and *Scurrility*, sometime in one Sentence; Is a thing, far from the devout Reverence of a *Christian*, and scant beseeming the honest Regard of a sober Man. *Non est major Confusio quam Serii, & Joci. There is no greater Confusion, than the confounding of Jest and Earnest.* The *Mysteries of Religion*, and the *Contempt* and *Deformity* of things rediculous, are things as distant as things may be. Two principal *Causes* have I ever known of *Atheism*, *Curious Controversies*, *and prophane Scoffing*: Now that these two are joyned in one, no doubt that Sect will make no small progression.

And here I do much esteem the Wisdome and Religion of that *Bishop* which replied to the first *Pamphlet* of this kind, who remembred, that a Fool was to be answered, but not by becomming like unto him; And considered the *Matter* which he handled, and not the *Person* with whom he dealt.

Job, speaking of the *Majesty* and *Gravity* of a *Judge* in himself saith, *if I did smile, they believed it not*: As if he should have said, if I diverted, or glanced upon Conceit of Mirth, yet Mens minds were so possessed with a Reverence of the Action in hand as they could not receive it. Much more ought not this to be amongst *Bishops* and *Divines* disputing about *Holy Things*. And therefore as much do I mislike the Invention of him who) as it seemeth) pleased himself in it as in no meane policy, that these *Men* are to be dealt withal at their own *Weapons*, and *Purged in their own Cup*. This seemed to him as profound a Devise, as when the *Cardinal Sanfovino* counselled *Julius the second* to encounter the *Council of Pisa with the Council of Lateran*, or as lawful a challenge as Mr. *Jewel made* to confute the *pretended Catholiques* by the *Fathers*, but those things will not excuse the

the imitation of Evil in another. It should be contrariwise with us, as *Cæsar* said, *Nil malo, quàm eos similes esse sui, Et me mei.* But now; *Dum de bonis contendimus, ac Malis consentimus: While we differ about good things, we resemble in evil.*

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Surely, if I were asked of these men, who were the more to be blamed, I should percase remember the Proverb, *That the second Blow maketh the Fray*; and the saying of an *obscure Fellow*; *Qui replicat, multiplicat: He that replieth, multiplieth.* But I would determine the *Question* with this *Sentence*; *Alter principium Malo dedit, alter Modum abstulit: By the one means we have a beginning, and by the other we shall have none end.*

And truly, as I do marvel that some of those *Preachers* which call for *Reformation* (whom I am far from wronging so far, as to joyn them with these Scoffers) do not publish some *Declaration*, whereby they may satisfie the world, that they dislike their cause should be thus sollicited; so I hope assuredly, that my *Lords of the Clergy* have none intelligence with this interlibelling, but do altogether disallow that their Credit should be thus defended. For though I observe in one of them many glosses, whereby the man would insinuate himself into their favours, yet I find it to be ordinary, that many pressing and fawning persons do misconjecture of the humors of *men in Authority*, and many times, *Veneri immolant suem*, they seek to gratifie them with that which they most dislike: For I have great reason to satisfie my self touching the judgment of my *Lords the Bishops* in this matter, by that which was written by one of them, which I mentioned before with honour. Nevertheless I note, there is not an indifferent hand carried towards these *Pamphlets* as they deserve; for the one sort *flieth* in the dark, and the other is *uttered openly*: wherein I might advise that side out of a wise Writer who hath set it down, *That, punitis ingeniis gliscit Authoritas.*

And indeed we see it ever falleth out, that the *Forbidden Writing* is always thought to be certain sparks of a Truth that fly up into the faces of those that seek to choak it, and tread it out; whereas a *Book Authorized* is thought to be but *Temporis Voces*, the *Language of the Time.* But in plain truth I do find (to mine understanding) these *Pamphlets* as meet to be suppressed as the other. First, because as the former sort doth deface the *Government* of the *Church* in the persons of the *Bishops* and *Prelates*, so the other doth lead into contempt the exercises of *Religion* in the persons of sundry *Preachers*; so as it disgraceth an higher matter, though in the meaner person.

Next, I find certain indiscreet and dangerous amplifications, as if the *Civil Government* it self of this *State*, had near lost the force of her Sinews, and were ready to enter into some Convulsion, all things being full of Faction and Disorder, which is as unjustly acknowledged, as untruly affirmed: I know his meaning is to enforce this unreverent and violent impugning of the *Government* of *Bishops*, to be a suspected *Forerunner* of a more *general Contempt.* And I grant there is a *sympathy* between the *Estates*, but no such matter in the Civil Policy, as deserveth so dishonourable a Taxation.

To conclude this point, as it were to be wished, that these *Writings* had been abortive, and never seen the Sun; So the next is, since they be common abroad, that they be censured (by all that have Understanding and Conscience) as the untemperate extravagancies of some light persons. Yea further, that men beware, except they mean to adventure to deprive themselves of all sense of *Religion*, and to pave their own hearts, and

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make them as the high way; how they may be conversant in them; and much more how they delight in that vein, but rather to turn their *Laughing* into *Blushing*, and to be ashamed as of a *short madness*, that they have in matters of *Religion* taken their disport and solace. But this perchance is of these faults which will be soonest acknowledged, though I perceive, nevertheless, that there want not some who seek to blanch, and excuse it.

But to descend to a sincere view and consideration of the accidents and circumstances of these *Controversies*, wherein either part deserveth blame or imputation, I find generally, in *causes* of *Church-matters*, that men do offend in some or all of these five Points.

The first is, the *giving occasion* unto the *Controversies*; and also the *unconsiderate* and *ungrounded taking* of *occasion*.

The next is, the *extending* and *multiplying* the *Controversies* to a more general *opposition* or *contradiction* than appeareth at the first propounding of them, when mens judgments are least partial.

The third is, the *passionate and unbrotherly practises* and *proceedings* of both *Parts*, towards the *persons* each of others, for their *discredit* and *suppression*.

The fourth is, the *countenance given* and *entertainment* on either side, for the *drawing* of their Partizans to a more strict *Union* within themselves, which ever importeth a further distraction of the entire Body.

The last is, the undue and inconvenient *propounding*, *publishing*, and *debating* of the *Controversies*. In which point the most pulpable Error hath been already spoken of, as that, which through the strangeness and freshness of the abuse, first offereth it self to the conceits of all men.

Now concerning the occasion of the *Controversies*, it cannot be denied, but that the imperfections in the *Conversation* and *Government* of those which have chief place in the *Church*, have ever been principal *causes* and *motives* of *Schisms* and *Divisions*. For whiles the *Bishops* and *Governours* of the *Church* continue full of knowledge and good works; whiles they *feed* the *Flock* indeed; whiles they deal with the *Secular States* in all liberty and resolution according to the *Maiesty* of their *Calling*, and the precious care of *Souls* imposed upon them, so long the *Church* is *situated* as it were *upon an Hill*; No man maketh question of it, or seeketh to depart from it, but when these Virtues in the *Fathers* and *Leaders* of the *Church* have lost their Light, and that they wax worldly *Lovers* of themselves, and *Pleasers* of men, then men begin to grope for the *Church* as in the dark; they are in doubt whether they be the *Successors* of the *Apostles*, or of the *Pharisees*: Yea, howsoever they sit in *Moses* Chair, yet they can never speak, *Tanquam Authoritatem habentes*, *as having Authority*, because they have lost their Reputation in the Consciences of men, by declining their steps from the way which they trace out to others; so as men had need continually have sounding in their Ears this same; *Nolite Exire*, *Go not out*; so ready are they to depart from the *Church* upon every choice. And therefore it is truly noted by one that writeth as a natural man, That the Humility of the *Friers* did for a great time maintain and bear out the irreligion of *Bishops* and *Prelates*.

For this is the double policy of the Spiritual Enemy, either by counterfeit *Holiness* of *life* to Establish and Authorize Errours; or by Corruption of Manners, to discredit and draw in question truth, and things

Things Lawfull. This concerneth my *Lords the Bishops*, unto whom I make witness to my self, that I stand affected as I ought: No contradiction hath supplanted in me the *Reverence* that I owe to their *Calling*: Neither hath any Detraction, or Calumny imbased mine Opinion of their Persons. I know some of them whose Names are most pierced with these Accusations, to be Men of great vertues; Although the Indisposition of the times, and the want of Correspondence many ways is enough to frustrate the best Endeavours in the *Edifying* of the *Church*. And for the rest generally I can condemn none. I am no Judge of them that belong to so *High a Master*; neither have I *two Witnesses*. And I know it is truely said of *Fame* that

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—*Parvæ Famæ atq; Infamia Curabat.*

Their Tuitions arise not all from one Coast; They have many and different Enemies, Ready to invent slander, more ready to amplifie it, and most ready to believe it. And *Magnes Mendacii Credulitas*; *Credulity is the Adamant of Lies*. But if any be, against whom, *the supream Bishop* hath not a few Things, but many Things; If any have *lost his first love*, If any be *neither hot nor cold*, if any have stumbled too fondly at the Threshold, in such sort, that he cannot sit well that entred ill; It is time they return whence they are fallen, and confirm the Things that remain.

Great is the Weight of this Fault: *Et eorum causa abhorrebant à Sacrificio Domini*: And For their cause, did Men abhor the Adoration of God. But howsoever it be, those which have sought to deface them and cast contempt upon them, are not to be excused.

It is the precept of *Solomon* that the *Rulers be not Reproached*; No, not in our *Thought*. But that we draw our very Conceit into a modest Interpretation of their Doings. The *Holy Angel* would give no *Sentence* of *Blasphemy* against the *Common Slanderer*, but said; *Increpet te Dominus*: *The Lord Rebuke thee*. The *Apostle Saint Paul* though against him that did pollute Sacred Justice with Tyrannous Violence, he did justly denounce the Judgement of God, saying; *Percutiet te Dominus*: *The Lord will strike thee* yet in saying *Paries dealbate*, he thought he had gon too far and retracted it. Whereupon a *Learned Father* said, *Ipsum quamcis insane nomen & umbram Sacerdotis expavit*.

The ancient *Councels* and *Synodes* (as is noted by the *Ecclesiastical Story*) when they deprived any *Bishop*, never recorded the Offence: but buried it in perpetual Silence: Only *Cham* purchased his Curse by revealing his *Fathers disgrace*, and yet a much greater Fault is it to ascend from their *Person* to their *Calling*, and draw that in question. Many good *Fathers* spake rigorously and severely of the unworthiness of *Bishops*; As if presently it did forsee it, and cease their Office. One saith; *Sacerdotes nominamur, & non sumus*: *We are called Priests, but Priests we are not*. Another saith *Nisi bonum Opus ampliaris, Episcopus esse non potes*: *Except thou undertake the good work, thou canst not be a Bishop*: Yet they meant nothing less than to move doubt of their *Calling* or *Ordination*.

The Second *Occasion of Controversies*, is the nature and humour of some men. The *Church* never wanteth a kind of *Persons* which love the Salutation of *Rabbi*, *Master*; Not in Ceremony or Complement, but in an Inward Authority, which they seek over Mens Minds, in drawing them to depend upon their Opinions, and to seek *Knowledge* at *their Lips*. These Men

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Men are the true *Successors* of *Diotrephes*, *the Lover of Preheminence*; And not *Lord Bishops*. Such Spirits do light upon another sort of Natures, which do adhere to these Men; *Quorum gloria in obsequio*; Stiff Followers, and such as zeal marvelously for those whom they have chosen for their *Masters*. This latter sort for the most part are men of young years and superficial Understanding, carried away with partial respects of Persons; Or with the enticing appearance of Godly Names and *Pretences*: *Pauci res ipsas sequuntur, plures nomina Rerum, plurimi nomina Magistrorum. Few follow the things themselves, more the names of the Things, and most the Names of their Masters.*

About these general Affections are wreathed and interlaced accidental, and private Emulations and discontentments, all which together break forth into contentions; Such as either violate Truth, Sobriety or Peace. These generalities apply themselves. The *Universities* are the Seat or the Continent of this Disease: Whence it hath been, and is derived into the Rest of the *Realm*. There Men will no longer be *è numero* of the *number*. There do others side themselves, before they know their *Right hand* from their *left*. So it is true which is said, *Transeunt ab Ignorantia ad præ judicium. They skip from Ignorance to a prejudicate Opinion*, and never take a sound judement in their way. But as it is well noted, *Inter Juvenile Judicium & senile præjudicium, omnis veritas corumpiter*: Through want of years, when men are not indifferent, but partial, then their Judgement is weak and unripe.

And when it groweth to Strength, and Ripeness, by that time it is forestalled with such a number of prejudicate Opinions, as it is made unprofitable. So as betweene these two, all Truth is corrupted. In the mean while, the Honourable Names of Sincerity, Reformation and Discipline are put in the fore Ward; So as *Contentions* and *Evil Zeals* cannot be touched, except these *Holy Things* be thought first to be violated. But howsoever they shall infer the Sollicitation for the *Peace of the Church* to proceed from *Carnal Sense*, yet I will conclude ever with the *Apostle Paul*; *Cum sit inter vos Zelus & Contentio, nonne carnales estis? While there is amongst you Zeal and Contention, are ye not Carnal?* And howsoever they esteem the *Compounding of Controversies* to savour of *Mans Wisedom, and Humane Pollicy*; And think themselves led by the *Wisdom which is from above*, yet I say with *Saint* James; *Non est ista sapientia de sursum descendens, sed Terrena, Animalis, Diabolica. Ubi enim Zelus & contentio, ibi inconstantia & omne opus pravum.* Of this *Inconstancy* it is said by a *Learned Father*, *procedere volunt non ad perfectionem, sed ad permutationem: They seek to go forward still, not to perfection but to change.*

The third *Occasion of Controversies* I observe to be an extream and unlimitted Detestation of some former *Heresie* or Corruption of the Church already acknowledged and convicted. This was the Cause that produced the Heresie of *Arrius*, grounded especially upon Detestation of *Gentilism*, least the Christians should seem by the Assertion of the equal *Divinity* of our *Saviour Christ*, to approach unto the acknowledgement of more *Gods* than One. The detestation of the *Heresie* of *Arrius* produced that of *Sabellius*; who holding for execrable the Dissimilitude which *Arius* pretended in the *Trinity*, fled so far from him as he fell upon that other extremity, to deny the *Distinction* of Persons: And to say they were but only Names of several Offices and Dispensations. Yea, most of the *Heresies* and *Schismes* of the Church, have sprung up of this Root; While men have made

made it as it were their Scale, by which to measure the Bounds of the most perfect Religion; Taking it by the furthest distance from the Errour last condemned. These be *Postumi Hæresium Filii*; *Heresies* that arise out of the Ashes of other *Heresies* that are extinct and amortized.

This Manner of Apprehension doth in some degree possess many in our Times. They think it the true Touchstone to try what is good and evil, by measuring what is more or less opposite to the *Institutions* of the *Church* of *Rome*, be it *Ceremony*, be it *Polity* or Government; yea, be it other *Infections* of greater Weight, That is ever most perfect which is removed most degrees from that *Church*: And that is ever polluted and blemished, which participateth in any Appearance with it. This is a subtile and dangerous Conceit for Men to entertain; Apt to delude themselves, more apt to delude the People, and most apt of all to calumniate their Adversaries. This surely (but that a Notorious Condemnation of that Position was before our Eyes,) had long since brought us to the *Relaptization of Children*, baptized according to the *Pretended Catholick Religion*. For I see that which is a Matter of much like reason; Which is the *reordaining of Priests* is a matter already resolutely maintained: It is very meet that Men beware how they be abused by this Opinion; And that they know that it is a Consideration of much greater Wisdome and Sobriety to be well advised, whether in general Demolition of the *Institutions* of the *Church of Rome*, there were not (as mens Actions are imperfect) some good purged with the Bad; Rather than to purge the Church as they pretend every day a new: Which is the way to make a wound in the Bowels, as is already begun.

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The Fourth and last *Occasion* of these *Controversies* (a Matter which did also trouble the *Church* in former times) is the partial Affectation and Imitation of *Forraign Churches*. For many of our Men (during the time of persecution and since) having been Conversant in *Churches* abroad, and received a great Impression of the form of Government there ordained, have violently sought to intrude the same upon our *Church*. But I answer; *Consentiamus in eo quod convenit, non in eo quod receptum est*: *Let us agree in this, that every Church do that which is convenient for the State of it self, and not in particular Customes*: Although their *Churches* had received the better Form, yet many times it is to be sought; *Non quod optimum, sed e bonis quid proximum*: *Not that which is best*, but of good Things which is the best & Readiest to be had. Our *Church* is not now to plant; It is setled & established. It may be in *Civil States a Republick* is a better Pollicy than a *Kingdom*; Yet *God* forbid that lawfull *Kingdomes* should be tyed to innovate and make Alterations. *Qui mala introducit voluntatem Dei oppugnat revelatam in verbo*; *Qui Nova introducit voluntatem Dei oppugnat revelatam in Rebus. He that bringeth in evil Customes resisteth the will of God revealed in his word*; *He that bringeth in new Things resisteth the Will of God revealed in the Things themselves. Consule providentiam Dei cum verbo Dei*; Take Counsel of the Providence of God, as well as of his Word. Neither yet do I admit that their Form, although it were possible and convenient, is better than ours, if some Abuses were taken away. The *Parity* and *Equality* of *Ministers* is a Thing of wonderfull great Confusion, and so is an *Ordinary Government* by *Synods* which doth necessarily ensue upon the other.

It is hard in all Causes but especially in *Religion* when *Voyces* shall be *Numbred* and not *Weighed*: *Equidem*) saith a wise Father) *ut verè quod res est scribam, prorsus decrevi fugere omnem Conventum Episcoporum, Nullius enim Con-*

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cilii eonum exitum unquam vidi; Concilia enim non minuunt Mala sed augent potius. To say the truth I am utterly determined never to come to any Council of Bishops. For I never yet saw good end of any Council; For Councils abate not ill things but rather encrease them. Which is to be understood not so much of General Councils as of Synods, gathered for the ordinary Government of the *Church*. As for the *Deprivation* of *Bishops*, and such like causes, this mischief hath taught the use of *Arch-Bishops Patriarchs* and Primates: the abuse of them since, hath taught men to mislike them.

But it will be said; look to the Fruits of the *Churches* abroad and ours. To which I say, that I beseech the *Lord* to multiply his *Blessings* and *Graces* upon those *Churches*, an hundred fold. But yet it is not good, that we fall on the numbring of them; It may be our peace hath made us more wanton; It may be also (though I would be loath to derogate from the Honour of those Churches, were it not to remove Scandals) that their Fruits are as *Torches* in the Dark, which appear greatest afar off. I know they may have some strict Orders for the repressing of sundry Excesses But when I consider, of the Censures of some persons, as well upon particular Men, as upon Churches; I think on the saying of a *Platonist*, who saith; *Certe vitia Irascibilis partis Animæ sunt gradu praviora, quam concupiscibilis, tametsi occultiora*: A matter that appeared much by the Ancient Contentions of Bishops. God grant that we may contend with other *Churches*, as the *Vine* with the *Olive*, which of us shall *bear* the *best Fruit*, and not as the *Briar* with the *Thistle*, which of us is most unprofitable. And thus much touching the occasions of these Controversies.

Now, briefly to set down the growth and *Progression* of the *Controversies:* whereby will be verified the saying of *Solomon*; *That the Course of Contention is to be stopped at the first*; *Being else as the waters, which if they gain a breach, it will hardly ever be recovered.*

It may be remembred that on that part, which call for Reformation, was first propounded, some dislike of certain *Ceremonies*, supposed to be *Superstitious*; some complaint of *Dumb Ministers* who possess *Rich Benefices*; And some *Invectives* against the Idle and *Monastical* Continuance within the *Universities*, by those who had Livings to be resident upon, and such like Abuses. Thence they went on to condemn the *Government* of *Bishops*, as an *Hierarchy*, remaining to us, of the Corruptions of the *Roman Church*; And to except to sundry *Institutions* in the *Church*, as not sufficiently delivered from the pollutions of former Times.

And lastly, they are advanced to define of an onely and perpetual *Form* of *Pollicy* in the *Church*; which without Consideration of possibility, and foresight of Peril, and perturbation of the Church and State, must be erected and planted by the Magistrate. Here they stay. Others not able to keeping footing in so steep Ground, descend further; That the same must be entred into and accepted of the people at their peril without the *Attending* of the *Establishment* of *Authority*. And so in the mean time they refuse to communicate with us, reputing us to have no *Church*. This hath been the progression of that side. I mean of the Generality. For I know, some persons (being of the Nature, not only to love Extremities but also to fall to them without degrees) were at the highest strain at the first.

The other part, which maintaineth the *present Government* of *the Church*, hath not kept one Tenour neither. First those *Ceremonies* which were pretended to be corrupt, they maintained to be things indifferent, and opposed the examples of the good Times of the *Church*, to that challenge which

which was made unto them, because they were tied up to the former pattern of times. Then were they also content mildly to acknowledge many imperfections in the *Church*, as *Tares remaining up among the Corn*, which yet (according to the wisdom taught by our Saviour) were not with strife to be pull'd up, lest it might spoil and supplant the good Corn, but to grow on together till the Harvest. After they grew to a more absolute defence and maintenance of all the *Orders* of the *Church*, and stifly to hold that nothing was to be innovated, partly because it needed not, partly because it would make a breach upon the rest. Hence (exasperated through *Contentions*) they are fallen to a direct condemnation of the contrary part, as of a *sect*. Yea, and some indifferent persons have been told in open preaching, to use dishonourable and derogatory speech and censure of the *Churches* abroad; and that so far, as some of our men (as I have heard) of late in foreign parts, have been pronounced to be no *lawful Ministers*. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from it self, as was at the first of one from the other. And surely, though my meaning and scope be not (as I said before) to enter into the *controversies* themselves, yet I do admonish the *Maintainers* of the alone *Discipline*, to weigh and consider seriously and attentively, how near they are unto them, with whom I know they will not join. It is very hard to affirm, that the Discipline which they say we want, is one of the Essential parts of the *Worship of God*; and not to affirm withall, that the *people* themselves, upon peril of *Salvation*, without staying for the *Magistrate*, are to gather themselves into it. I demand, if a *Civil State* should receive the *preaching* of the *Word*, and *Baptisme*, and interdict and exclude the *Sacrament* of the *Lords Supper*, were not men bound upon danger of their Souls to draw themselves to Congregations, wherein they might celebrate this *Mystery*; and not to content themselves with that part of *Gods Worship* which the *Magistrate* had authorized? This I speak, not to draw them into the mislike of others, but into a more deep consideration of themselves: *Fortasse non vereantur, quia suum progressum, non intelligunt.*

Again, to my *Lords* the *Bishops* I say, That it is hard for them to avoid blame, (in the Opinion of an indifferent person) in standing so precisely upon altering nothing. *Leges, novis Legibus, non recreatæ accedunt. Laws not refresh'd with new Laws, wax secure. Qui mala non permutat, in bonis non perseverat: Without change of ill, a man cannot continue the good.* To take away many abuses, supplanteth not good orders, but establisheth them. *Moræ sæpe Mora sentit, res turbulenta est, æquæ ac Novitas: A contentious retaining of Custom is a turbulent thing as well as Innovation.* A good Husband is ever proining in his *Vineyard*, or his *Field*; not unseasonably indeed, not unskilfully, but lightly he findeth ever somewhat to do. We have heard of no Offers of the *Bishops* of *Bills in Parliament*, which no doubt proceeding from them to whom it properly belongeth, would have every where received acceptation. Their own *Constitutions* and *Orders* have reformed them little. Is nothing amiss? Can any man defend the use of *Excommunication* as a base Process to lackey up and down for Duties and Fees, it being a Precursory Judgment of the latter day?

Is there no mean to train and nurse up Ministers? (for the yield of the *Universities* will not serve, though they were never so well governed) to train them, I say, not to preach (for that every man confidently adventureth to do) but to preach soundly, and to handle the *Scriptures* with wisdom and judgment? I know *Prophesying* was subject to great abuse, and would

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would be more abused now, because heat of Contentions is encreased: But I say the only reason of the abuse was, because there was admitted to it a *popular Auditory*; and it was not confined within a private conference of *Masters*. Other things might be spoken of: I pray *God* to inspire the *Bishops* with a fervent love and care of the people; and that they may not so much urge things in Controversie, as things out of Controversie, which all men confess to be gracious and good. And thus much for the second point.

Now as to the third point of *unbrotherly proceeding* on either part, it is directly contrary to my purpose to amplifie wrongs; it is enough to note and numober them; which I do also, to move compassion and remorse on the offending side, and not to animate Challengers and Complaints on the other. And this point (as reason is) doth chiefly touch that side which can do most: *Injuriæ potentiorum sunt: Injuries come from them that have the upper hand.*

The *wrongs* of them which are possessed of the *Government* of the *Church* towards the other, may hardly be dissembled or excused; they have charged them as though they *denied Tribute to* Cæsar, and withdrew from the *Civil Magistrate* the obedience which they have ever performed and taught. They have sorted and coupled them with the *Family of Love*, whose *Heresies* they have laboured to destroy and confute. They have been swift of credit to receive Accusations against them, from those that have quarrelled with them, but for speaking against Sin and Vice. Their Accusations and Inquisitions have been strict, swearing men to *Blanks* and *Generalities*, not included within compass of matter certain, which the Party which is to take the *Oath* may comprehend to be any thing captious and strainable. Their urging of Subscription to their own *Articles*, is but *Lacessere, & irritare Morbos Ecclesiæ*, which otherwise would spend and exercise themselves. *Non concessum quærit sed dissidium, qui, quod factis præstatur, in verbis exigit. He seeketh not Unity, but Division, which exacteth that in words, which men are content to yield in action.* And it is true, there are some which (as I am perswaded) will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know this note of *Inconstancy* and *Defection*, from that which they have long held, shall disable them to do that good which otherwise they might do: For such is the weakness of many, that their Ministery should be thereby discredited. As for their easie *silencing* of them in such great scarcity of Preachers, it is to punish the people, and not them. Ought they not (I mean the *Bishop*) to keep one eye open to look upon the good that the men do, but to fix them both upon the hurt that they suppose cometh by them? Indeed, such as are intemperate and incorrigible, *God* forbid they should be permitted to Preach: But shall every inconsiderate word, sometimes captiously watched, and for the most part hardly enforced, be as a forfeiture of their voice and gift in preaching? As for sundry particular molestations, I take no pleasure to recite them. If a Minister shall be troubled for saying in Baptisme, *Do you believe*, for *Dost thou believe*? If another shall be called in question for praying for her *Majesty*, without the additions of her *Stiles* whereas the very form of Prayer in the *Book of Common-Prayer* hath thy *Servant Elizabeth*, and no more: If a third shall be accused upon these words uttered touching the controversies, *Tollatur Lex, & fiat certamen*: (whereby was meant, that the prejudice of the Law removed, either reasons should be equally compared) of calling the people to Sedition and Mutiny; As if he had said,

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Away with the Law, and try it out with Force: If these, and other like particulars be true, which I have but by Rumour, and cannot affirm; It is to be lamented that they should labour amongst us with so little comfort. I know *Restrained Governments* are better then *Remiss*, and I am of his mind that said; *Better is it to live where nothing is lawfull, than where all things are lawful.* I dislike that Laws should not be continued or *Disturbers* be unpunished: But Lawes are likened to the *Grape*, that being too much prest yields an hard and unwholsome *Wine*. Of these Things I must say; *Ira Viri non operatur Justitiam Dei. The Wrath of man worketh not the righteousnes of God.*

As for the *Injuries* of the other part, they be *Telus inermes*; As it were *Headless Arrowes*: They be Fiery, and Eager *Invectives*, and (in some fond Men) uncivil and unreverent Behaviour towards their Superiours. This last invention also which expresseth them to Derision and Obloquy by *Libels*, chargeth not (as I am perswaded) the whole side: Neither doth that other which is yet more odious, practised by the worst sort of them; which is to call in (as it were to their Aides,) certain *Mercenary Bards*, which impugn Bishops, and other *Ecclesiastical Dignities*, to have the spoyle of their *Endowments* and *Livings*, of those I cannot speak too hardly. It is an Intelligence between *Incendiaries* and *Robbers*, the one to *Fire* the *House*, the other to *Rifle* it.

The Fourth point wholly pertaineth to them which impugn the present *Ecclesiastical Government*; who although they have not cut themselves off from the Body and *Communion* of the *Church*; yet do they affect certain *Cognizances* and *Differences* wherein they seek to correspond amongst themselves, and to be separate from others. And it is truly said; *Tam sunt Mores quidam Schismatici, quam Dogmata Schismatica*: *There be as well Schismatical Fashions, as Opinions*: First they have impropriated unto themselves the *Names* of *Zealous, Sincere and Reformed*; as if all others were *Cold minglers* of *Holy things and Prophane*, and *Friends of Abuses*: Yea, be a man indued with great Vertues, and fruitful in good workes; yet if he concur not with them, they term him (in Derogation,) a *Civil* and *Moral Man*; And compare him to *Socrates*, or some *Heathen Philosopher*: Whereas the *Wisedom* of the *Scriptures* teacheth us otherwise: Namely, to judge and denominate Men *Religious* according to their *Works* of the *Second Table*: Because they of the *First* are often *Counterfeit*, and practised in *Hypocrisie*. So Saint *John* saith, *that a Man doth vainly boast of Loving God whom he never saw, if he love not his Brother whom he hath seen.* And Saint *James* saith, *This is true Religion to visite the Fatherless and the Widow.* So as that which is with them but *Philosophical* and *Moral*, is in the *Apostles* phrase, *True Religion and Christianity*. As in Affection they challenge the said *Vertue of Zeal* and the rest; So in Knowledge they attribute unto themselves *Light and perfection*. They say, the *Church* of *England* in *King Edwards* time, and in the Beginning of her *Majesties Reign*, was but in the *Cradle*; And the Bishops in those times did somewhat for *Day-Break*, but that *Maturity* and *Fulness* of *Light* proceedeth from themselves. So *Sabinius* Bishop of *Heraclea a Macedonian Heretick* said that the *Fathers* in the *Councel of Nice* were but *Infants* and *Ignorant Men*: That the *Church* was not so perfect in their *Decrees* as to refuse that Further Ripeness of Knowledge which Time had revealed. And as they censure *vertuous Names* by the Names of *Civil* and *Moral*, so do they censure *Men* truely and godly wise (who see into the vanity of their *Affections*) by the name of *Politicks*: saying that their Wisdome is but Carnal and savouring of Mans Brain. So likewise if a Preacher preach with Care and Meditation; (I speak not of the vain

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Scholastical manner of preaching, but soundly indeed, ordering the matter he handleth distinctly for memory, deducting and drawing it down for direction, and authorizing it with strong proofs and warrants) they censure it as a *form* of speaking, not becoming the simplicity of the *Gospel*, and refer it to the *reprehension* of Saint *Paul*, speaking of the enticing *speech* of *mans wisdom*.

Now for their own *manner* of *preaching*, what is it? Surely they exhort well, and work compunction of mind, and bring men well to the Question, *Viri, fratres, quid faciemus?* But that is not enough except they resolve the *Question*: They handle matters of *Controversie* weakly, and *obiter*, and as before a people that will accept of any thing. In *Doctrine* of *manners* there is little but *generality* and *repetition*. The *word* (the *Bread of Life*) they tosse up and down, they break it not: They draw not their directions down, *ad Casus Conscientiæ*; that a man may be warranted in his perpetual actions, whether they be lawful or not, neither indeed are many of them able to do it, what through want of grounded knowledge, what through want of study and time. It is a compendious and easie thing to call for the observation of the *Sabbath day*, or to speak against *unlawful gain*, but what *actions* and *works* may be done upon the *Sabbath*, and what not; and what courses of *gain* are *lawful*, and in what *cases*? To set this down, and to clear the whole matter with good distinctions and decisions, is a matter of great knowledge and labour, and asketh much meditation and conversing in the Scriptures, and other helps which *God* hath provided and preserved for *Instruction*.

Again, they carry not an equal hand in teaching the *people* their *lawful Liberty*, as well as their *Restraints* and *Prohibitions*: But they think a man cannot go too far in that that hath a shew of a *Commandement*.

They forget that there are *sins* on the *right hand*, as well as on the *left*; and that the *word* is *double-edged*, and cutteth on both sides, as well the profane transgressions, as the superstitious observances. Who doubteth but that it is as unlawful to shut where *God* hath opened, as to open where *God* hath shut; to bind where *God* hath loosed, as to loose where God hath bound. Amongst men it is commonly as ill taken to turn back *favours*, as to disobey *Commandements*. In this kind of *zeal* (for example) they have pronounced generally, and without difference, all untruths unlawful; notwithstanding, that the *Midwives* are directly reported to have been blessed for their excuse: And *Rahab* is said by *Faith* to have *concealed* the *Spyes*; and *Solomons selected judgment* proceeded upon a *Simulation*: And our *Saviour*, the more to touch the hearts of the two *Disciples* with an holy dalliance, made as if he would have passed *Emaus*. Further, I have heard some *Sermons* of *Mortification*, which I think with very good meaning, they have preached out of their own experience and exercise, and things in private Counsels not unmeet; but surely no sound conceits, much like to *Parsons Resolution*, or not so good; apt to breed in men rather weak Opinions, and perplexed Despairs, then *filial* and true *Repentance*, which is sought.

Another point of great inconvenience and peril, is to entitle the *people* to hear *Controversies*, and all kinds of *Doctrine*. They say no part of the Counsel of God is to be suppressed, nor the people defrauded: So as the difference which the *Apostle* maketh between *Milk* and *Strong meat* is confounded; and his Precept, that the *weak* be not admitted unto *Questions* and *Controversies*, taketh no place.

But

An advertisement touching the Controversies of the Church of England.

But most of all is to be suspected, as a Seed of further inconvenience, their *manner* of handling the *Scriptures*: For whilest they seek express *Scripture* for every thing; and that they have, in a manner, deprived themselves and the *Church* of a special help and support, by embasing the Authority of the *Fathers*, they resort to *naked Examples*, *conceited Inferences*, and *forced Allusions*, such as do mine into all *certainty* of *Religion*.

Another *Extremity*, is the *excessive magnifying* of that, which though it be a principal and most holy Institution, yet hath it limits as all things else have. We see wheresoever, in a manner, they find in the *Scriptures the word* spoken of, they expound it of *Preaching*; they have made it, in a manner, of the *Essence* of the *Sacrament* of the *Lords Supper*, to have a *Sermon* precedent; they have, in a sort, annihilated the use of *Liturgies*, and *Forms of Divine Service*, although the *House of God* be denominated of the Principal, *Domus Orationis*, *A House of Prayer, and not a House of Preaching*. As for the life of the good *Monks* and *Hermits* in the Primitive *Church*, I know they will condemn a man as half a *Papist*, if he should maintain them as other then prophane, because they heard no *Sermons*. In the mean time, what *Preaching* is, and who may be said to *Preach*, they move no *Question*; but (as far as I see) every man that presumeth to speak in *Church*, is accounted a *Preacher*. But I am assured, that not a few that call hotly for a *Preaching Ministery*, deserve to be the first themselves that should be expelled. All which Errours and misproceedings they do fortifie and intrench by an addicted respect to their own Opinions, and an impatience to hear contradiction or argument; yea, I know some of them that would think it a tempting of God, to hear or read what may be said against them; as if there could be a *Audiendum est*, *tenete*; without an *Omnia probate*, going before.

This may suffice to offer unto themselves a thought and consideration, whether in these things they do well or no? and to correct and asswage the partiality of their *Followers*. For as for any man that shall hereby enter into a contempt of their *Ministery*, it is but his own *hardness of heart*. I know the work of *Exhortation* doth chiefly rest upon these men, and they have zeal and hate of sin. But again, let them take heed that it be not true which one of their Adversaries said, *That they have but two small wants*, *Knowledge*, *and Love*. And so I conclude this *Point*.

The last Point, touching the due *publishing* and *debating* of these *Controversies*, needeth no long Speech. This strange abuse of Antiques and Pasquils hath been touched before: So likewise I repeat that which I said, That a character of *Love* is more proper for debates of this Nature, then that of *Zeal*: As for all direct or indirect glances or levels at mens *persons*, they were ever in these causes disallowed.

Lastly, whatsoever be pretended, the *People* is no meet *Arbitrator*, but rather the quiet, modest, and private Assemblies, and Conferences of the *Learned*. *Qui apud Incapacem loquitur*, *non decipiat*, *sed calumniatur*. The *Press* and *Pulpit* would be freed and discharged of these Contentions; neither promotion on the one side, nor glory and heat on the other side, ought to continue their *Challenges* and *Cartels* at the *Cross*, and other places: But rather all Preachers, especially such as be of good temper, and have wisdom with Conscience, ought to inculcate and beat upon a Peace silence and forbearance. Neither let them fear *Solons Law*, which compelled in Factions every particular person to range himself on the one side; nor yet the fond *Calumny* of *Neutrality*; but let them know that is true which is said by

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An Advertisement touching the Controversies of the Church of England.

a wise man, *That Neuters in contentions are either better or worse then either side.*

These things have I in all sincerity and simplicity set down, touching the *Controversies* which now trouble the *Church* of *England*; and that without all Art and Insinuation, and therefore not like to be grateful to either part: Notwithstanding, I trust what hath been said shall find a correspondence in their minds which are not imbarqued in partiality, and which love the whole better then a part; wherefore I am not out of hope that it may do good; at the least I shall not repent my self of the *Meditation*.

IN

IN

HAPPY MEMORIE

OF

ELIZABETH,

QUEEN of *ENGLAND.*

OR,

A COLLECTION,

OF THE

FELICITIES

OF

Queen Elizabeth.

VVritten by his Lordship in Latin;

AND

Englished by the Publisher.

QUeen *Elizabeth*, both of her *Natural Endowments*, and her *Fortune*, was admirable amongst *Women*, and Memorable amongst *Princes*. But this is no subject for the Pen of a meer *Scholler*, or any such *Colifrea Writer*. For these men are eager in their Expressions, but shallow in their Judgements; and performe the *Schollars* part well, but transmit *Things* but unfaithfully to Posterity. Certainly it is a Science belonging to *Statesmen*, and to such as sit at the *Helmes* of great *Kingdomes*, and have been acquainted with the weight and secrets of Civil Busines, to handle this matter dextrously. Rare in all Ages hath been the *Reign* of a *Woman*, more rare the *Felicity* of a *Woman* in her *Reign*, but most rare, a *Permanency* and *Lasting* joyned with that *Felicity*. As for this *Lady*, she reigned Four and Fourty years compleat, and yet she did not survive her *Felicity*. Of this *Felicity*, I am purposed to say somewhat; yet without any Excursion into *Praises*; For *Praises* are the Tribute of Men, but *Felicity* the Gift of *God*.

First,

A Collection of the Felicities of Queen Elizabeth

First, I reckon it as a part of her *Felicity*, that she was advanced to the *Regal Throne* from a private Fortune. For this is ingenerate in the Nature and Opinions of Men, to ascribe that to the greatest *Felicity*, which is not counted upon, and cometh unlooked for; but this is not that I Intend. It is this, *Princes* that are trained up in their *Fathers Courts*, and to an immediate and apparent Hope of *Succession* do get this by the Tenderness and remisness of their *Education*, that they become (commonly) less capable, and less Temperate in their Affections. And therefore you shall find those to have been the ablest, and most accomplished *Kings*, that were Tutoured by both Fortunes. Such was with us, *King Henry* the *Seventh*; And with the *French Lewis* the *Twelfth*: Both which in recent Memory, and about the same time obtained their *Crowns*, not onely from a private but also from an adverse, and afflicted Fortune; and did both excel in their several waves; The former in *Prudence*, and the other in *Justice*. Much like was the condition of this *Princess*, whose Blossomes and Hopes, were unequally aspected by Fortune; That afterwards when she came to *Crowne*, Fortune might prove towards her alwayes Mild and Constant. For *Queen Elizabeth* soon after she was born, was entituled to the Succession in the *Crown*, upon the next turn disinherited again, then layed aside and slighted: During the *Reign* of her *Brother*, her estate was most prosperous and Flourishing; During the *Reign* of her *Sister*, very Tempestuous and full of Hazard. Neither yet did she pass immediately from the *Prison*, to the *Crown*, (which suddain change might have been enough to make her cast off all moderation) But first she regained her Liberty; Then there budded forth some probable Hopes of *Succession*, and lastly, in a great Still and happiness she was advanced to the *Imperial* Crown, without either Neise, or *Competitour*. All which I alledge that it may appear that the *Divine Providence* intending to produce a most exquisite *Princess*, was pleased to prepare and mould her by these *Degrees* of *Discipline*. Neither ought the misfortune of her *Mother* justly to stain the pure *Stream* of her *Blood*; especially seeing it is very evident that *King Henry* the eighth did first burn with new Loves before he was enflamed with Indignation against *Queen Anne*: Neither is it unknown to the Ages since, that he was a *King* naturally prone to Loves and Jealousies; and not containing himself in those cases from the effusion of Blood. Besides, the very *person* for whom she was suspected, sheweth the accusation to be less probable, and built upon weak and frivolous Suppositions: Which was both secreetly whispered in many Mens ears at that Time, and which *Queen Anne* her self testified by her undaunted courage, and that memorable Speech of hers at the *Time* of her *Death*. For having gotten (as she supposed) a faithfull and friendly Messenger, in the very Hour before her Death, she delivered him these words to relate unto the *King*; *That she had ever found the King very constant and firm to his purpose of Advancing her; For first, from the estate of a Gentlewoman onely, and no way pretending to Noble Titles, he raised her to the Honour of a Marchioness, next, he vouchsafed to make her his Consort, both of his Kingdome and bed; and now that there remained no higher earthly Honour, he meant to Crown her Innocency, with the Glory of Martyrdome.* But though the messenger durst not relate these words to the *King*, who was already enflamed with new Loves; yet certain *Tradition* the *Conserver of Truth*, hath conveyed them to posterity.

Another principal thing, which I cast into *Queen Elizabeths Felicity*, was the *Time and Period* of her *Reign*; Not onely for that it was Long, but also because it fell into that season of her Life, which was most Active & Fittest for

for the swaying of a *scepter*, for she was fully five and twenty years old (at which age the Civil Law freeth from a Curator) when she came to the *Crown*, and reigned to the seventieth year of her life; so that she never suffered either the detriments of *Pupillage*, and check of an *overawing Power*, or the inconveniencies of an impotent and unwieldy *old age*; and old age is not without a competent portion of miseries, even to private men; but to *Kings*, besides the common burden of years, it brings for the most part a declining in the Estates they govern, and a conclusion of their lives without honour. For there hath scarce been known a *King* that hath lived to an extreme and impotent old age, but he hath suffered some detriment in his *Territories*, and gone less in his *Reputation*. Of which thing there is a most eminent example in *Philip* the *Second*, *King* of *Spain*, a most puissant *Prince*, and an excellent *Governour*, who in the last years of his life, and impotent old age, was sensible of this whereof we speak; and therefore with great circumspection submitted himself to Natures Law, voluntarily surrendred the Territories he had gotten in *France*, established a firm peace in that *Kingdom*, attempted the like in other places, that so he might transmit his *Kingdoms* peaceable and entire to his next *Heir*. Contrary-wise, *Queen Elizabeths* Fortune was so constant and deeply rooted, that no disaster in any of her *Dominions* accompanied her indeed declining, but still able years: Nay further, for an undeniable token of her *felicity*, she died not before the *Rebellion* in *Ireland* was fortunately decided, and quashed by a *Battel* there, least otherwise it might have defalked from the total sum of her *glory*. Now the *condition* also of the *people* over whom she reigned, I take to be a matter worthy our observation; for if her Lot had fallen amongst the desolate *Palmyrens*, or in *Asia*, a soft and effeminate Race of men, a *Woman-Prince* might have been sufficient for a *Womanish people*: But for the *English*, a Nation stout and warlike, to be ruled by the check of a *Woman*, and to yield so humble obedience to her, is a thing deserving the highest admiration.

Neither was this disposition of her *people* (hungry of War, and unwillingly bowing to peace) any impediment to her, but that she enjoyed and maintained *peace* all her daies: And this *desire* in her of *peace*, together with her fortunate accomplishment thereof, I reckon to be one of her chiefest praises. For this was happy for her times, comely for her Sex, and comfortable to her Conscience. Indeed, about the tenth year of her *Reign*, there was an *offer* of a *Commotion* in the *Northern parts*, but it was soon laid asleep and extinguished; but all her *Reign* beside was free from the least breath or air of *Civil Broils*. Now I judge the *Peace* maintained by her to be the more eminent for two causes, which indeed make nothing for the *Merit* of that *Peace*, but much for the *Honour*: The one, that it was set off, and made more conspicuous by the broils and dissentions of *Neighbouring Nations*, as it were by so many Lights and torches: The other, that amidst the benefits of *peace* she lost not the Honour of *Arms*; insomuch, that the Reputation of the *English Arms* was not only preserved, but also advanced by her upon many glorious occasions. For the *Succours* sent into the *Netherlands*, *France*, and *Scotland*, the *Expeditions* by *Sea* into both the *Indies*, whereof some circled the whole *Globe* of the *Earth*; the *Fleets* sent into *Portugal*, and to annoy the Coasts of *Spain*: And lastly, the often suppressions and overthrows of the *Rebels* in *Ireland*, did both shew the Warlike Prowess of our *Nation* to be no whit diminished, and did much encrease the *Renown* of the *Queen*.

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There was another thing that did greatly advance her Glory: That both by her timely *Succours*, her *Neighbour Kings* were setled in their *Rightful Thrones*, and the *Supplyant People* (who by the ill Advisedness of their *Kings* were abandoned and given over to the Cruelty of their Ministers, and to the Fury of the multitude, and to all manner of Butchery and Desolation, were relieved by her; By Reason whereof they subsist unto this Day. Neither was she a *Princess less* Benign and Fortunate in the Influence of her *Counsels*, than of her *Succours*; As being one that had oftentimes interceded to the *King of Spain*, to mitigate his wrath against his *Subjects* in the *Netherlands*, and to reduce them to his Obedience upon some tolerable Conditions; And further, as being one that did perpetually and upon all occasions, represent to the *French Kings* the Observation of their own *Edicts*, so often declaring and promising peace to their *Subjects*. I cannot deny but that these good *Counsels* of hers wanted the Effect: In the former I verily believe for the Universal good of *Europe*, least happily the Ambition of *Spain* being unloosed from his Fetters should have poured it self (as things then stood) upon the other *Kingdomes*, and *States* of *Christendome*: And for the latter the *Blood* of so many *Innocents* with their Wives and Children Slain within their own Harbours and Nests by the Scum of the People, (who like so many Mastifes were let let loose and heartened and even set upon them by the State) would not suffer it; which did continually cry unto God for Vengeance, that so Blood-sucking a *Kingdome* might have her fill thereof, in the intestine Slaughters and Consumption of a *Civil War*. Howsoever she persisted to perform the part of a wise and loving *Confederate*.

There is another Cause also for which we may justly admire this Peace so constantly pursued and maintained by the *Queen*. And that is, that it did not proceed from any *Bent* or *Inclination* of those *Times*; But from the *Prudency* of her *Government* and discreet *Carriage* of things. For whereas she her self was not without manifest Danger from an ill affected *Party* at home, for the Cause of *Religion*, and that the Strength and Forces of this *Kingdom* were in the Place of a Bulwark to all *Europe* against the then dreadful and overflowing Ambition and Power of the *King of Spain*; She might have apprehended just Cause of a *War*: But as she was still ready with her *Counsel*, so she was not behind hand with her Forces. And this we are taught by an event the most Memorable of any in our time, if we look upon the *Felicity* thereof. For when as the *Spanish Navy* (set forth with such wonderful Preparations in all kinds, the Terrour and amazement of all *Europe* carried on with almost Assurance of victory) came braving upon our *Seas*; It took not so much as one poor Cock-boat of ours nor fired any one Village, nor landed one Man upon *English Ground*; But was utterly defeated and after a shamefull Flight and many shipwracks quite dispersed, So as the *Peace* of this *Kingdom* was never more Firm and Solid. Neither was her *Felicity* less in escaping Treacherous *Attempts* at home, then in subduing and defeating forrain *Invasions*. For not a few *Treasons* plotted against her Life, were most fortunately discovered and disapointed. And this was no cause to make her lead a more fearful or diffident life then before. No new *Encrease* of her *Guard* no *Immuring* her self within her own Walls, or forbearing to be seen abroad; But as one assured and confident, and that was more mindful of her *Escape* from *Danger*, then of the *Danger* it self, she was constant to her former Customes and Fashions.

Furthermore, it is worth our labour to consider the *Nature* of the *Times* in which she *Reigned*. For there are some *Times* so *Barbarous* and *Ignorant* that

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that it is no greater matter to govern *People*, than to govern a *Flock of Sheep*. But this *Queen*, fell upon Times of singular Learning and Sufficiency; In which it was not possible to be eminent, without admirable Endowments of wit, and a Rare Temper of Vertue. Again the *Reigns of Women* are for the most part obscured by their *Husbands*: Upon whom all their praises and worthy Acts do reflect: As for those that continue unmarried, it is they that impropriate the whole glory, and merit to themselves. And this was the peculiar Glory of this *Princess*; that she had no props or supports of her Government, but those that were of her own making. She had no *Brother*, the *Son of* her *Mother*; No *Uncle*, none other of the *Royal Blood* and *Linage* that might be *Partner* in her *Cares*, and an *upholder* of the *Regal Dignity*. And as for those, whom she raised to *Honour*, she carried such a discreet hand over them, and so enterchanged her Favours as they still strived in Emulation and Desire to please her best; and she her self remained in all things an *Absolute Princess*. *Childless* she was, and left no *Issue* behind Her; which was the Case of many of the most fortunate *Princes*, *Alexander* the *Great*, *Julius Cæsar*, *Trajan* and others. And this is a Case, that hath been often controverted and argued on both sides, whilest some hold the *want of Children* to be a *Diminution* of our *Happiness*, as if it should be an Estate more than Humane to be happy both in our own *Persons*, and in our *descendants*, but others do account the *want of Children* as an *Addition to Earthly Happiness*, in as much as that *happiness* may be said to be compleat, over which *Fortune* hath no power, when we are gone: Which if we leave *Children* cannot be.

She had also many *Outward Gifts of Nature*. A tall *Stature*; A comely and strait *Making*, an extraordinary *Majesty of Aspect*, joyned with a *Sweetness*, a most happy and Constant *Healthfulness* of *Body*. Unto which I may add, that in the full *Possession* both of her *Limbs* and *Spirits* until her last Sickness (having received no Blow from Fortune, nor decay from Old Age;) she obtained that which *Augustus Cæsar* so importunately prayed for; *An easie and unaisle emperea passage out of this World*. Which also is reported of *Antoninus Pius*, that excellent *Emperour*; Whose *Death* had the Resemblance of some soft and pleasing *Slumber*. So in *Queen Elizabeths Disease*, there was no ghastly or fearful *Accident*; No *Idleness* of *Brain*; Nothing unaccustomed to *Man* in general: She was not transported either with desire of Life, or Tediousness of Sickness, or extremity of Pain; She had no grievous or uncomely *Symptoms*, But all things were of that kind, as did rather shew the *Frailty of Nature*, than a *Deordination* or *Reproach* of it. For some few dayes before her *Death*, being much pined with the extream *Drought* of her *Body* and those *Cares* that accompany a *Crown*, and not wonted to refresh her self with *Wine*, or any Liberal *Diet*; she was strook with a *Torpour* and *Frigidity* in her *Nerves*; Notwithstanding which is rare in such *Diseases*, she retained both her *Speech* and *Memory* and *Motion* though but slow and weak even to the end. And in this Case, she continued but a few dayes; So as it cannot be called the *last Act* of her *Life*, but the *first step* to her *Death*. For as it is a miserable condition to see the faculties of our Body buried before us; and to survive long after them; So it is a Fair and natural conclusion of our Life, when the Senses are by little and little laid asleep that the Dissolution of the whole should immediately follow.

I will adde one thing more to make up the full Measure of her *Felicity*: which is that she was not only most Happy in her own *Person*, but in the Abilities and vertues of her *Servants*, and *Ministers*, for she was served by such *Persons* as I suppose this *Island* never brought forth the like before her times

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Now when *God* beareth a love to *Kings*, no doubt he raiseth up the *Spirits* of *Wise Servants* as a concurrent Blessing.

There are two fair *Issues* of her *Happiness*, born to her since her *Death*, I conceive not less Glorious and Eminent than those she enjoyed alive. The one of her *Successor*, The other of her *Memory*. For she hath gotten such a *Successor*, who although for his *Masculine Vertues*, and *Blessing* of *Posterity*, and *Addition* of *Territories*, he may be said to exceed her greatness and somewhat to obscure it; Notwithstanding, he is most zealous of her Name and Glory; And doth even give a *Perpetuity* to her *Acts*, considering both in the Choice of the *Persons*, and in the *Orders*, and *Institutions* of the *Kingdome*, he hath departed so little from her so as a *Son* could hardly succeed a *Father*, with less Noise or Innovation. As for her *Memory* it hath gotten such Life in the Mouths and Hearts of Men, as that Envy being put out by her Death, and her Fame lighted, I cannot say whether the *Felicity* of her *Life*, or the *Felicity* of her *Memory* be the greater. For if (perhaps) there fly abroad any factious *Fames* of her, raised either by discontented *Persons*, or such as are averse in *Religion*; (which notwithstanding dare now scarce shew their Faces, and are every where cryed down;) The same are neither true, neither can they be long liv'd. And for this cause especially, have I made this *Collection* (such as it is) touching her *Felicity*, and the Marks of *Gods* Favour towards Her; That no malicious Person should dare to interpose a *Curse*, where *God* hath given a *Blessing*. Now if any Man shall alledge that against me, was once said to *Cæsar*; *We see what we may admire, but we would fain see what we can commend*; Certainly, for my part, I hold true *Admiration* to be the highest Degree of *Commendation*. And besides such *Felicities* as we have recounted could not befall any *Princess*, but such an one as was extraordinarily supported, and cherished by *Gods* Favour; And had much in her own *Person*, and rare *Vertues* to create and worke out unto her self such a *Fortune*. Notwithstanding, I have thought good to insert something now concerning her *Moral Parts*; Yet only in those things, which have ministred occasion, to some Mallicious to traduce her.

This *Queen*, as touching her *Religion*, was *Pious*, *Moderate*, *Constant*, and an Enemy to *Novelty*. First for her *Piety*, though the same were most conspicuous in her *Acts* and the *Form* of her *Government*; yet it was Pourtrayed also in the common course of her *Life*, and her daily *Comportment*. Seldome would she be absent from Hearing *Divine Service*, and other Duties of *Religion*, either in her *Chappel*, or in her *Privy Closet*. In the reading of the *Scriptures*, and the writings of the *Fathers*, especially of Saint *Augustine*, she was very frequent: She composed certain *Prayers* her self upon emergent occasions. Whensoever she named *God*, though it were in common discourse, she would for the most part add the Title of *Maker*, saying, *God my Maker*: And compose both her eyes and Countenance to a Submissness and Reverence. This I have often (my self) observed, being in her presence. Now whereas some have divulged her unmindfulness of *Mortality*, in that she would never endure any Mention either of her *Age*, or *Death*, it is most false: For she would often and that many years before her Death, with a great deal of Meekness profess that she found her self grown an old Woman, and she would sometimes open her self what she liked best, for an *Inscription* upon her *Tombe*, saying, that she loved no pompous or vain glorious Titles but would only have a line or two for her Memory, wherein her *Name* and her *Virginity*, and the years of her *Reign*, and her establishing of *Religion*; and her maintaining of *Peace*, should be in the fewest words com-

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prehended. It is true, that whilest she was in her vigorous years, and able to bear Children, if at any time she were moved to declare her *Successor*, she would make answer, *That she would never endure to see her winding sheet before her eyes.* And yet notwithstanding some few years before her death, one day when she was in a deep meditation, and (as it may be guessed) in that of her *Mortality*, one that might be bold said unto her; *Madam, there are divers Offices, and great places in the State, which you keep too long void.* She arose up in some displeasure, and said, *I am sure my Office will not be long void.*

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As for her *moderateness* in *Religion*, I shall seem to be at a stand, in regard of the severe *Laws* made against her *Subjects* of the *Romish Religion*: Notwithstanding, that which I shall say is no more then what I know for certain, and diligently observed. Most certain it is, that it was the firm resolution of this *Princess*, not to offer any violence to *Consciences*: But then, on the other side, not to suffer the State of her *Kingdom* to be ruined, under pretence of *Conscience* and *Religion*. Out of this Fountain she concluded; First, That to allow Freedom and Toleration of two *Religions* by publick *Authority*, in a *Nation* Fierce and Warlike, and that would easily fall from dissention of minds to siding and blows, would bring inevitable ruine to this *Kingdom*. Again, in the newness of her *Reign*, when there was a general distrust, she singled out some of the *Bishops* of the most turbulent and factious spirits, and committed them to free Custody; and this not without the warrant of former *Laws*. As for the rest, either of the *Clergy* or *Laity*, she did not ransack their Consciences by any *severe Inquisition*, but rather secured them by a gracious connivency: And this was the state of things at the first. Neither did she depart from this Clemency, when the *Excommunication* of *Pius Quintus* came thundring against her, which might both justly have provoked her, and have ministred occasion to new courses, but howsoever she followed her *Royal Nature* still: For as a wise Lady, and of a high courage, she was not a whit terrified at the *roaring* of a *Bull*, being well assured of her *peoples* love and fidelity towards her, as also of the disability of the *Popish Faction* within the *Kingdom* to do her hurt, if no *Forreign Enemy* joyned with them. But then, about the three and twentieth year of her *Reign* there followed a mighty Change. And this distinction of the Times is not any device of mine, but it is expressed in the publick *Acts* of that *Time*, and (as it were *cut in brass*) for before that year was there never any *Capital or severe punishment* inflicted upon any of her *Subjects*, as they had Relation to the *Romish Religion* by the *Laws* formerly made. But just then began that proud and vast intention of *Spain* to conquer this *Kingdom*, by little and little to shew it self. Of this the principal part was to stir up by all means a *Party* within the *Kingdom* of such as were ill-affected to the *State*, and desirous of *Innovation*, that might adhere to the *Forreigner* at his landing. For this they had no other hopes then the difference in *Religion*; wherefore they set it down to pursue this course with all their power: And the *Seminaries* at that time budding, *Priests* were sent into *England* to plant and disperse a love to the *Romish Religion*; to teach and inculcate the power of the *Popes Excommunication* in freeing Subjects from their Allegeance, and to awaken and prepare the minds of men to an expectation of a Change. About the same time *Ireland* also was attempted by an *Invasion*, and the *Queens Name* and *Government* traduced by sundry and scandalous *Libels*. To be short, there was an unusual swelling in the *State*, the Forerunner of greater Troubles: Yet I will not affirm, that every *Priest* which was sent over was made of the Councel, or privy to the Enterprise, but

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But that some of them became the wicked instruments only of other mens *malice*. Notwithstanding this is true, and witnessed by the Confessions of many, that almost all the *Priests* which were sent into this *Kingdom* from that aforenamed year, unto the thirtieth year of *Queen Elizabeths* Reign (at what time that Design of the *Pope* and *Spain* was put into execution by those memorable preparations of the *Navy* and *Land forces*) had in their instructions besides other parts of their Function, to distil and insinuate into the *people* these particulars; *It was impossible things should continue at this stay; That they should see e're long a great change in this State; That the Pope, and Catholick Princes were careful for the English, if they would not be wanting to themselves.* Again, sundry of the *Priests* did manifestly interpose themselves into those Consultations and Plots which tended to the undermining and ruining of this *Kingdom*: And (which especially moved her) *Letters* were intercepted out of divers parts that discovered the true Face of the *Plot*; in which was written, that they doubted not to go beyond the vigilancy of the *Queen* and *State* in the matter of *Catholicks*; for the *Queen* would only have an eye, least there shou'd arise any *fit Head*, in the Person of some *Lord*, or other Eminent *Gentleman* of Quality, under whom the *Catholicks* might unite: But they had thought upon another course, as namely, by *private men*, and those but of mean Rank, that should not confer, nor scarce know of each others imployments; to prepare and mature the business by the *secresie* of *Confession*. And these were their *Engines* the which (as hath appeared since in a case not much unlike) are usual and familiar to that *Order of men*. In this great Deluge of danger, there was a necessity imposed upon *Queen Elizabeth* to restrain, by some sharper bands of *Laws*, that part of her *Subjects* which were alienated from her, and had drunk too deep a draught of this Poyson ever to recover; And further, which by their retired living, and exemption from Publick Offices, were grown very rich: And moreover, the mischief daily growing, when as the cause thereof was ascribed to none other then the *Seminary Priests*, who had been nourished in Forreign parts, and received Exhibition from the bounty and alms of *Forreign Princes*, professed Enemies to this *State*; and who had conversed in such places where the Name of *Queen Elizabeth* was never heard, but as of an *Heretick*, and *Excommunicate*, and *accursed person*; and who, though themselves (some times) had no hand in *Treason*, yet they were known to be the intimate friends of them that had. And lastly, who by their Arts and Poysons had infected, and soured the mass and lump of the *Catholicks*, which before was more sweet and harmless, with a new kind of *Leven*, and desperate *maliciousness*: There could no other *remedy* be devised, but by forbidding such persons to enter into this *Kingdom*, upon pain of their *lives*; which at last, in the twenty seventh year of her *Reign*, was accordingly done. Nay, and when the event it self had confirmed this to be true (I mean immediately after that the dreadful Tempest arose from *Spain*, threatning no less then utter desolation) yet did it nothing mollifie or turn the edge of these mens malice and fury, but rather whetted it, as if they had cast off all Natural affection to their *Country*. As for the Times succeeding (I mean after the thirtieth year of her *Reign*) though indeed our fear of *Spain*, which had been the Spur to this Rigour, had fairly breathed out, or was well abated; yet considering the memory of Times past had made so deep impression in mens hearts and cogitations, and that it would have seemed either *Inconstancy* to repeal those former *Laws*, or *sloth* to neglect them, the very Constitution of things did suggest to the *Queen*, that it was not safe to reduce them unto that State

State wherein they had continued until the three and twentieth year of her Reign. Hereunto may be added the industry of some *persons* in improving the Revenues of the *Exchequer*; and the zeal of some other *Ministers* of *Justice*, which did never think their Country safe, unless the *Laws* were rigorously executed; all which did importune and press the execution of the *Laws*. Notwithstanding, the *Queen* for a manifest token of her *Royal Nature*, did so dull the edge of the *Laws*, that but a very few *Priests*, in respect of their number did suffer death. Now all this which I have said is not by way of defence, for the matter needs it not; for neither could this *Kingdom* have been safe without it, neither were the *proceedings* any way comparable or of Kin to those bloody and unchristianly *Magazines* in the *Catholick Countries*, which proceeded meerly from *rancour* and *pride*, and not from any necessity of *State*: Howsoever, I hope I have made my first *Assertion* good, that the was *moderate* in the point of *Religion*, and that the *change* which happened was not in her *Nature*, but upon the *necessity* of the *Times*.

Now for the *Constancy* of *Queen Elizabeth* in *Religion*, and the observance thereof, I know no better argument then this, That although she found the *Romish Religion* confirmed in her *Sisters* daies by *Act of Parliament*, and established by all strong and potent means that could be devised, and to have taken deep root in this *Kingdom*; and that all those which had any Authority, or bear any Office in the *State* had subscribed to it; yet for that she saw it was not agreeable to the *Word* of *God*, nor to the *Primitive Purity*, nor to her own *Conscience*, she did, with a great deal of courage, and with the assistance of a very few persons, quite expel and abolish it. Neither did she this by precipitate and heady courses, but timing it wisely and soberly. And this may well be conjectured, as from the thing it self, so also by an *Answer* of hers which she made upon occasion. For within a very few daies of her coming to the *Crown*, when many *Prisoners* were released out of *Prison*, (as the Custom is at the *Inauguration* of a *Prince*) there came to her one day as she was going to *Chappel*, a certain *Courtier* that had the liberty of a *Buffone*, and either out of his own motion, or by the instigation of a wiser man, presented her with a *Petition*; and before a great number of *Courtiers* said to her with a loud voice, *That there were yet four or five prisoners unjustly detained in Prison; he came to be a Suitor to have them set at liberty; those were the four Evangelists, and the Apostle Saint* Paul, *who had been long shut up in an unknown tongue, as it were in Prison, so as they could not converse with the common people.* The *Queen* answered very gravely, *That it was best first to enquire of them, whether they would be set at liberty or no.* Thus she silenced an unseasonable *motion* with a doubtful *answer*, as reserving the matter wholly in her own power. Neither did she bring in this *alteration* timorously, or by pieces, but in a grave and mature manner, after a *Conference* betwixt both *Sides*, and and the *Calling* and Conclusion of a *Parliament*. And thus within the compass of one year, she did so establish and settle all matters belonging to the *Church*, as she departed not one hairs breadth from them to the end of her life: Nay, and her usual custom was in the beginning of every *Parliament* to forewarn the *Houses* not to question or innovate any thing already established in the *Discipline* or *Rites* of the *Church*. And thus much of her *Religion*.

Now if there be any *severer nature* that shall tax her for that she suffered her self, and was very willing to be courted, woed, and to have *Sonnets* made in her commendation; and that she continued this longer then was decent for her

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her years: Notwithstanding, if you will take this matter at the best, it is not without singular admiration, being much like unto that which we find in *fabulous Narrations*, of a certain *Queen* in the *Fortunate Islands*, and of her *Court* and *Fashions*, where *Fair purpose* and *Love-making* was allowed, but *Lasciviousness* banished. But if you will take it at the worst, even so it amounteth to a more high admiration, considering that these *Courtships* did not much eclipse her *Fame*, and not at all her *majesty*; neither did they make her less apt for *Government*, or check with the affairs and businesses of the *Publick*; for such passages as these do often entertain the time, even with the greatest Princes. But to make an end of this discourse, certainly this Princess was good and moral, and such she would be acknowledged: She detested Vice, and desired to purchase Fame only by honourable courses. And indeed whilest I mention her *moral parts*, there comes a certain passage into my mind which I will insert. Once giving *order* to write to her *Embassador* about certain Instructions to be delivered apart to the *Queen-Mother* of the *House* of *Valois*, and that her *Secretary* had inserted a certain Clause that the *Embassadour* should say, as it were to endear her to the *Queen-Mother*; *That they two were the only pair of Female Princes, from whom for experience and Arts of Government, there was no less expected then from the greatest* Kings: She utterly disliked the Comparison, and commanded it to be put out saying, *That she practised other principles and Arts of Government, than the Queen Mother did.* Besides, she was not a little pleased, if any one should fortune to tell her, that suppose she had lived in a *private Fortune*, yet she could not have escaped without some Note of *Excellency* and *Singularity* in her *Sex*. So little did she desire to borrow or be beholding to her *Fortune* for her *Praise*. But if I should wade further into this *Queens Praises*, *Moral* or *Politick*, either I must slide into certain *Common places*, and Heads of *Vertue*, which were not worthy of so great a *Princess*; Or if I should desire to give her *Vertues* the true Grace and Lustre, I must fall into a *History* of her *Life*; Which requireth both better Leisure and a better pen then mine is. Thus much in brief according to my ability: But to say the Truth; *The only Commender of this Ladies vertues, is Time*; which for as many Ages as it hath run, hath not yet shewed us one of the *Female Sex* equal to her in the *Administration* of a *Kingdome*.

AN

A BRIEF

DISCOURSE,

Of the Happy

UNION

OF THE

KINGDOMES

OF

ENGLAND and *SCOTLAND*;

Dedicated in Private TO HIS MAJESTY.

I Do not find it ſtrange, (excellent *King*) that when *Heraclitus* (he that was ſurnamed the *Obſcure*) had ſet forth a certain *Book* (which is not now extant) many Men took it for a *Diſcourſe of Nature*, and many others took it for a *Treatiſe* of *Pollicy*. For there is a great Affinity and Conſent between the *Rules* of *Nature*, and the true *Rules* of *Pollicy*: The one being nothing elſe but an Order in the Government of the *World*: And the other an Order in the Government of an *Eſtate*. And therefore the Education, and Erudition of the *Kings* of *Perſia*, was in a *Science* which was termed by a Name then of great Reverence; but now degenerate and taken in the ill part. For the *Perſian Magick*, which was the ſecret Literature of their *Kings* was an Application of the Contemplations and *Obſervations* of *Nature*, unto a ſenſe *Politick*; Taking the *Fundamental Lawes of Nature*, and the Branches and paſſages of them, as an Original or firſt Model whence to take and deſcribe a Copy and Imitation, for Government.

After this manner the aforelaid *Instructours* set before their *Kings* the Examples of the *Cælestial Boaies*; the *Sun*, the *Moon*, and the rest; which have great Glory, and veneration but no rest or Intermission: Being in a perpetual Office of Motion, for the Cherishing (in turn and in Course) of *Inferiour Bodies*: Expressing likewise the true manner of the Motions of *Government*, which though they ought to be Swift and Rapide, in respect of Dispatch, and Occasions, yet are they to be Constant and Regular, without Wavering or Confusion.

So did they represent unto them how the *Heavens* do not enrich themselves by the *Earth* and the *Seas*, nor keep no dead Stock, nor untouched Treasures, of that they draw to them from below; But whatsoever Moisture they do levy and take from both *Elements* in *Vapours*, they do spend and turn back again in *Showers*, only holding and storing them up for a time, to the end to issue and distribute them in a Season.

But chiefly, they did express and expound unto them, that *Fundamental Law of Nature*, whereby all things do subsist and are preserved: which is that every Thing in *Nature*, although it hath his private and particular affection, and Appetite, and doth follow and pursue the same in small Moments; and when it is free and delivered from more general and common respects, yet nevertheless, when there is Question or Case, for sustaining of the more general, they forsake their own *particularities*, and attend and conspire to uphold the *publick*.

So we see the *Iron* in small Quantity will ascend and approach to the *Loadstone*, upon a particular Sympathy: but if it be any Quantity of moment, it leaveth his appetite of Amity to the *Loadstone*, and like a good *Patriot* falleth to the *Earth*, which is the *Place* and *Region* of *Massy Bodies*.

So again the *Water* and other like *Boaies*, do fall towards the *Center* of the *Earth*, which is (as was said) their *Region*, or *Countrey*: And yet we see nothing more usual in all *Water Works* and *Engines*, than that the *Water* (rather than to suffer any *Distraction* of *Disunion* in Nature) will ascend, Forsaking the Love to his own Region or Countrey and applying it self to the Body next adjoyning.

But it were too long a digression to proceed to more Examples of this kind. Your *Majesty* your self did fall upon a passage of this Nature in your *gracious Speech* of *Thanks* unto your *Counsel*; when acknowledging Princely their Vigilancies and well deservings, it pleased you to note, that it was a success and Event, above the Course of *Nature*, to have so great *Change*, with so great a *Quiet*. Forasmuch as sudden *Mutations* as well in *State* as in *Nature*, are rarely without violence and perturbation. So still I conclude there is (as was said) a Congruity between the *Principles* of *Nature* and *Policy*. And lest that *Instance* may seem to oppone to this Assertion, I may even in that particular with your *Majesties* favour offer unto you a Type or Pattern in Nature much resembling this event in your State; Namely *Earthquakes* which many of them bring ever much Terror and wonder, but no actual hurt; The earth trembling for a moment & suddenly stablishing in perfect quiet as it was before.

This *Knowledge* then of making the *Government* of the *World*, a *Mirrour* for the *Government* of a *State*, being a Wisdome almost lost (Whereof the reason I take to be because of the Difficulty for one man to embrace both Philosophies) I have thought good to make some proof (as far as my weakness and the Straights of Time will suffer) to revive in the handling of one particular wherewith now I most humbly present your *Majesty*: For surely, as hath been said it is a *Form of discourse* anciently used towards

Kings

King, and to what *King* should it be more proper than to a *King* that is studious to conjoyn contemplative verity, and active virtue together?

Your *Majesty* is the first *King* that had the honour to be *Lapis angularis* to unite these two mighty and warlike *Nations* of *England* and *Scotland* under one *Sovereignty* and *Monarchy*. It doth not appear by the Records and memories of any *true History*; Or scarcely by the Fiction and Pleasure of any *Fabulous Narration* or *Tradition* that ever of any Antiquity this *Island* of *Great Britain* was united under one *King*, before this day. And yet there be no *Mountains* nor *Rocks* of *Hills*, there be no *Seas* or *great Rivers*, there is no *Diversity* of tongue or *Language* that hath invited or provoked this ancient separation or Divorce. The Lot of *Spain* was to have the several *Kingdomes* of that Continent (*Portugal* onely except) to be united in an Age not long past, and now in our age that of *Portugal* also, which was the last that held out to be incorporate with the rest. The lot of *France* hath been much about the same time, likewise to have reannexed unto that *Crown*, the several *Dutchies* and *Portions* which were in former times dismembred. The Lot of this *Island* is the last reserved for your *Majesties* happy times, by the special Providence and Favour of *God*, who hath brought your *Majesty* to this happy Conjunction with great Consent of hearts, and in the strength of your years, and in the maturity of your experience. It resteth but that (as I promised) I set before your *Majesties* princely consideration, the *Grounds* of *Nature* touching the *Union* and *Commixture* of *Bodies*, and the *Correspondence* which they have with the *Grounds of Policy* in the *Conjunction* of *States* and *Kingdoms*.

Of the Union of England, and Scotland.

First, therefore, that *Position*; *Vis unita fortior*, being one of the common Notions of the mind, needeth not much to be induced or illustrated.

We see the Sun when he entreth, and while he continueth under the *Sign of Leo*, causeth more vehement heats than when he is in *Cancer*, what time his *Beams* are nevertheless more perpendicular. The Reason whereof, in great part hath been truely ascribed to the Conjunction, and Cor-Radi-ation in that place of *Heaven*, of the *Sun* with the four *Stars* of the *first Magnitude*, *Syrius*, *Cauicula*, *Cor Leonis*, and *Cauda Leonis*.

So the *Moon* likewise by ancient *Tradition*, while she is in the same *Sign of Leo*, is said to be at the *Heart*, which is not for any Affinity, which that place of *Heaven* can have, with that part of Mans Body but only because the *Moon* is then by reason of the Conjunction and Nearness with the Stars aforenamed, in greatest strength of Influence, and so worketh upon that part in *Inferiour Bodies*, which is most *Vital* and *Principal*.

So we see *Waters* and *Liquors*, in small Quantity do easily putrifie and corrupt; but in large Quantity subsist long, by reason of the Strength they receive by *Union*.

So in *Earthquakes*, the more general do little hurt, by reason of the *united* weight, which they offer to subvert; but narrow and particular *Earthquakes* have many times overturned whole *Towns* and *Cities*.

So then this *Point* touching the Force of *Union* is evident. And therefore it is more fit to speak of the *Manner* of *Union*: wherein again it will not be pertinent to handle one *Kind* of Union, which is *Union* by *Victory*, when one Body doth meerly subdue another, and converteth the same into his own Nature, Extinguishing and Expulsing what part soever of it, it cannot overcome. As when the *Fire* converteth the *Wood* into Fire purging

away the *Smoak* and the *Ashes*, as unapt matter to inflame: Or when the *Body* of a *Living Creature*, doth convert and assimilate, *Food* and *Nourishment*, purging, and expelling whatsoever it cannot convert For these Representations do answer in matter of *Pollicy* to *Union* of *Countries* by *Conquest*, where the *Conquering State* doth extinguish, extirpate, and expulse any part of the *State Conquered* which it findeth so contrary as it cannot alter, and convert it. And therefore, leaving *violent Unions* we will consider only of *Natural Unions*.

The *Difference* is excellent which the best *Observers* in *Nature* do take, between *Compositio*, and *Mistio*, *putting together* and *mingling*: the one being but a Conjunction of Bodies, in place, the other in quality and consent: The one the Mother of Sedition and Alteration, the other of Peace and Continuance: The one rather a *Confusion* than an *Union*, the other properly an *Union*. Therefore we see those Bodies which they call *Imperfectè mista*, last not but are speedily dissolved. For take for Example, *Snow*, *or Froath*, which are *Compositions* of *Air* and *Water*, and in them you may behold how easily they leve and dissolve the *Water*, closing together, and excluding the *Air*.

So those three *Bodies* which the *Alchymists* do so much celebrate as the three *Principles* of *things*; That is to say; *Earth*, *Water*, and *Oyl*; (which it pleaseth them to term *Salt*, *Mercury*, and *Sulphur*,) we see, if they be united only by *Composition* or putting together how weakly and rudely they do incorporate: *For Water* and *Earth* maketh but an unperfect slime: And if they be forced together by *Agitation*, yet upon a little setling, the *Earth* resideth in the Bottome. So *Water* and *Oyl*, though by *Agitation*, it be brought into an *Ointment*, yet after a little setling the *Oyl* will float on the Top: So as such imperfect *Mixtures* continue no longer than they are forced; And still in the end the worthiest getteth above.

But otherwise it is of *perfect Mixtures*. For we see these three *Bodies* of *Earth*, *Water* and *Oyl*, when they are joyned in a *Vegetable* or *Mineral* they are so united, as without great subtilty of *Art* and Force of *Extraction* they cannot be separated and reduced into the same *simple Bodies* again. So as the difference betweene *Compositi*, and *Mistio* clearly set down is this: That *Compositio* is the Joyning or putting together of *Bodies* without a new *Form*; and *Mistio* is the Joyning or putting together of *Bodies* under a new *Form*. For the new *Form* is *Commune vinculum*, and without that the old *Forms* will be at Strife and Discord.

Now to reflect this *Light* of *Nature* upon *Matter* of *Estate*: There hath been put in practise in *Government* these two several kinds of *Pollicy*, in *Uniting*, and *Conjoyning* of *States* and *Kingdoms*: The one to retain the ancient *Form* still severed and only conjoyned in *Soveraignty*: The other to super induce a new *Form* agreeable and convenient to the *entire Estate*. The former of these hath been more usual and is more Easie; but the latter is more Happy. For if a man do attentively revolve *Histories* of all *Nations*, and judge truly thereupon, he will make this *Conclusion*: That there was never any *States*, that were good *Commixtures* but the *Romans*. Which because it was the best *State* of the *World*, and is the best *Example* of this *Point* we will chiefly insist thereupon.

In the *Antiquities* of *Rome*, *Virgil* bringeth in *Jupiter* by way of *Oracle* or *Prediction*, speaking of the *Mixture* of the *Trojans* and the *Italians*.

Sermonem

Sermonem Ausonii Patrium, moresque tenebant,
Utque est Nomen erit; Commixti Corpore tantum,
Subsident Teucri, Morem, Ritusque Sacrorum
Adjiciam; faciamque omnes uno ore Latinos.
Hinc Genus Ausonio mistum, quod sanguine surget,
Supra Homines, supra ire Deos pietate videbis.

Wherein *Jupiter* maketh a kind of Partition or Distribution; That *Italy* should give the *Language* and the *Lawes*; *Troy* should give a *Mixture* of *Men*, and some *Religious Rites*; And both *People* should meet in one Name of *Latines*.

Soon after the *Foundation* of the *City of Rome*, the *People of the Romans* and the *Sabines* mingled upon equal Terms. Wherein the Interchange went so even that (as *Livy* noteth) the one *Nation* gave the Name to the place, the other to the *People*. For *Rome* continued the *Name*, but the people were called *Quirites*, which was the *Sabine* word derived of *Cures* the Country of *Tatius*.

But that which is chiefly to be noted in the whole Continuance of the *Romane Government*; they were so liberal of their *Naturalizations*, as in effect they made perpetual *Mixtures*. For the manner was to grant the same, not only to *particular persons*, but to *Families*, and *Lineages*; And not only so, but to whole *Cities* and *Countries*. So as in the end it came to that, that *Rome* was *Communis Patria*, as some of the *Civilians* call it.

So we read of Saint *Paul* after he had been beaten with Rods, and thereupon charged the *Officer* with the violation of the Priviledge of a *Citizen* of *Rome*; The *Captain* said to him; *Art thou then a Romane? That Priviledge hath cost me dear.* To whom Saint *Paul* replied; *But I was so born*, and yet, in another place, Saint *Paul* professeth himself, that he was a *Jew* by *Tribe*: So as it is manifest that some of his Ancestors were naturalized; and so it was conveyed to him and their other descendants.

So we read, that it was one of the first Despites that was done to *Julius Cæsar*, that whereas he had obtained *Naturalization* for a *City* in *Gaul*, one of the *City* was beaten with *Rods* of the *Consul Marcellus*.

So we read in *Tacitus*, that in the *Emperour Claudius's* time, the *Nation of Gaul* (that part which is called *Comata*, the wilder part) were Suitors to be made capable of the honour, of being *Senators* and *Officers* of *Rome*. His words are these: *Cum de supplendo Senatu agitaretur, primoresque Galliæ, quæ Comata appellatur, fœdera & civitatem Romanam pridem assecuti, Jus adipiscendorum in urbe Honorum, expeterent; multus, ea super re, variusque Rumor & studiis diversis apud Principem certabatur.* And in the end after long debate it was ruled they should be admitted.

So likewise, the Authority of *Nicholas Machiavel* seemeth not to be contemned; who enquiring the Causes of the Growth of the *Roman Empire* doth give Judgement; There was not one greater then this, that the State did so easily compound and incorporate with Strangers.

It is true, that most *Estates* and *Kingdomes* have taken the other Course. Of which this effect hath followed; That the Addition of further *Empire*, and *Territory* hath been rather matter of Burthen, than matter of Strength unto them: yea and further it hath kept alive the Seeds and Roots of Revolts, and Rebellions for many Ages: As we may see in a fresh and notable Example of the *Kingdome* of *Aragon*: Which, though it were united

A Discourse of the Union of England and Scotland.

to *Castile* by Marriage, not by *Conquest*; And so descended in Hereditary Union by the space of more than an 100. years, yet because it was continued in a divided Government, and not well Incorporated and Cemented with the other *Crowns*, entred into a Rebellion upon point of their *Fueres*, or *Liberties* now, of very late years.

Now to speak briefly of the several parts of that form, whereby *States* and *Kingdomes* are perfectly united; They are (besides the *Soveraignty* it self) four in Number: *Union* in Name, *Union in Language*, *Union in Lawes* *Union in Employments*.

For *Name* though it seem but a superficial and outward Matter, yet it carrieth much Impression, and Enchantment: The General and common Name of *Grecia* made the *Greeks* alwaies apt to unite (though otherwise full of *Divisions* amongst themselves) against other *Nations* whom they called *Barbarous*. The *Helvetian* Name is no small Band to knit together their Leagues and Confederacies the faster. The common Name of *Spain* (no doubt) hath been a special means of the better union and Conglutination of the several *Kingdomes* of *Castile*, *Aragon*, *Granada*, *Navarre*, *Valentia*, *Catalonia*, and the rest, comprehending also now lately *Portugal*.

For *Language*, it is not needfull to insist upon it; because both your *Majesties Kingdomes* are of one *Language* though of several *Dialects*, and and the Difference is so small betweene them as promiseth rather an inriching of one *Language*, than a continuance of two.

For *Lawes* which are the Principal Sinews of *Government*, they may be of three Natures, *Jura*, which I will term *Freedome* or *Abilities*, *Leges*, and *Mores*.

For *Abilities* and *Freedomes* they were amongst the *Romans* of four kinds or rather degrees. *Jus Connubii*, *Jus Civitatis*, *Jus Suffragii* and *Jus Petitionis* or *Honorum*. *Jus Connubii*, is a thing in these times out of Use: For *Marriage* is open between all Diversities of *Nations*, *Jus Civitatis* answereth to that we call *Denization* or *Naturalization* *Jus Suffragii* answereth to the *Voice* in *Parliament*; *Jus Petitionis* answereth to place in *Counsel* or *Office*. And the *Romans* did many times sever these *Freedomes*, granting *Jus Connubii*, *sine Civitate*; and *Civitatem*, *sine Suffragio*, and *Suffragium*, *sine Jure Petitionis*, which was commonly with them the last.

For those we called *Leges*, it is a matter of the Curiosity, and Inconveniency to seek either to extirpate all particular Customes, or to draw all *Subjects* to one place or resort of *Judicature*, and *Session*. It sufficeth, there be a Uniformity in the principal and Fundamental *Lawes*, both *Ecclesiastical* and *Civil*, for in this point, the Rule holdeth which was pronounced by an Ancient Father touching the Diversity of *Rites* in the *Church*; For finding the *Vesture* of the *Queen* in the *Psalm* (which did prefigure the *Church*) was of divers Colours, and finding again that Christs Coat was without a seam, he concludeth well, *In veste varietas sit*, *Scissura non sit*.

For *Manners*, a consent in them is to be sought industriously, but not to be enforced: For nothing amongst people breedeth so much pertinacy in holding their Customes, as suddain and violent offer to remove them.

And as for *Employments* it is no more but in indifferent hand and Execution of that *Verse*.

Teucros, Troiusque mihi nullo discrimine agetur.

There remaineth only to remember out of the *Grounds of Nature* the two *Conditions* of *perfect mixture*; Whereof the former is Time. For the *Natural*

tural Philosophers say well; that *Compositio* is *Opus Hominis*; and *Mixtio opus Naturæ*. For it is the Duty of Man, to make a fit Application of Bodies together: But the perfect *Fermentation*, and Incorporation of them must be left to *Time* and *Nature*; and *unnatural hasting* thereof doth disturb the work and not dispatch it.

So we see, after the *Graft* is put into the *Stock*, and bound, it must be left to *Time* and *Nature*, to make that *Continuum*, which at the first was but *Contiguum*. And it is not any continual pressing or Thrusting together that will prevent *Natures* season, but rather hinder it. And so in *Liquors* those *Commixtures* which are at the first troubled grow after clear and settled by the benefit of Rest and Time.

The second *Condition* is, That the greater draw the less. So we see when two *Lights* do meet, the greater doth darken and dim the less. And when a smaller *River* runneth into a greater, it loseth both his *Name* and *Stream*. And hereof to conclude we see an excellent Example in the *Kingdomes* of *Juaah*, and *Israel*. The *Kingdom of Judah* contained Two *Tribes*; The *Kingdom* of *Israel*, contained Ten: *King David*, raigned over *Judah*, for certain years; And after the Death of *Ishbosheth*, the Son of *Saul*, obtained likewise the *Kingdom* of *Israel*. This Union continued in him, and likewise in his son *Solomon*, by the space of 70. years, at least between them both: But yet, because the Seat of the *Kingdom* was kept still in *Judah*, and so the less sought to draw the greater upon the first occasion offered, the *Kingdomes* brake again, and so continued ever after.

Thus having in all humbleness made Oblation to your *Majesty* of these simple fruits, of my *Devotion* and *Studies*; I do wish, and do wish it not in the Nature of an impossibility, (to my apprehension) That this happy **Union** of your two *Kingdomes* of *England* and *Scotland*, may be in as good an hour [illegible] under the like *Divine Providence* as that was between the *Romans* and [illegible] *bines*.

AN

CERTAIN ARTICLES, OR CONSIDERATIONS TOUCHING THE UNION OF THE KINGDOMES OF *ENGLAND* and *SCOTLAND*;

Collected and disperſed for His *MAJESTIES* better Service.

YOUR *Majeſty* being (I do not doubt) directed and conducted by a better *Oracle* than that which was given for Light to *Æneas* in his Peregination (*Antiquam exquirite Matrem*) hath a *Royal*, and indeed an *Heroical deſire* to reduce theſe two *Kingdomes* of *England* and *Scotland* into the Unity of their Ancient *Mother Kingdome* of *Brittain*. Wherein as I would gladly aplaud unto your *Majeſty*, or ſing aloud that *Hymn* or Antheme, *Sic itur ad Aſtra*, ſo in a more ſoft and ſubmiſs voice, I muſt neceſſarily remember unto your *Majeſty* that warning or Caveat *Ardua quæ Pulchra*, it is an Action that requireth, yea, and needeth much, not only of your *Majeſties Wiſedome*, but of your *Felicity*. In this Argument I preſumed at your *Majeſties* firſt Entrance to write a few Lines, indeed Scholaſtically, and Speculatively, and not Actively or Politickly, as I held it fit for me at that time; when neither your *Majeſty* was in that your deſire declared, nor my ſelf in that ſervice uſed or truſted. But now that both your *Majeſty* hath opened your deſire and purpoſe with much admiration even of thoſe who give it not

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an approbation, and that my self was by the *Commons* graced with the first vote of all the *Commons* Selected for that Cause; not in any Estimation of my Ability (for therein so wise an *Assembly* could not be so much deceived) but in an acknowledgement of my extream Labours and integrity, in that business I thought my self every ways bound both in duty to your *Majesty*, and in trust to that *House of Parliament*, and in consent to the matter it self, and in Conformity to mine own Travailes, and Beginnings, not to neglect any paines, that may tend to the furtherance of so excellent a work: Wherein I will endeavour that that which I shall set down be *Nihil minus quam verba*: For length and ornament of Speech, are to be used for perswasion of *Multitudes*, and not for Information of *Kings*: especially such a *King* as is the only instance that ever I knew, to make a man of *Plato's* Opinion, *That all Knowledge is but Remembrance*, and that the *Mind* of *Man* knoweth all things, and demandeth only to have her own *Notions* excited and awaked. Which your *Majesties* rare and indeed singular gift and faculty of swift apprehension and infinite Expansion or multiplication of another mans Knowledge by your own as I have often observed, so I did extreamely admire in *Goodwins Cause*, being a matter full of Secrets and misteries of our Lawes, meerly new unto you and quite out of the Path of your Education, Reading and Conference: Wherein nevertheless upon a Spark of Light given, your *Majesty* took in so Dexterously and Profoundly as if you had been indeed *Anima Lex*: Not only in execution but in understanding: The Remembrance whereof as it will never be out of my mind, so it will alwaies be a warning to me to seek rather to excite your Judgement briefly then to enform it tediously, & if in a matter of that nature, how much in this wherein your *Princely Cogitations* have wrought themselves, and been conversant, and wherein the principal Light proceeded from your self.

And therefore my purpose is only to break this matter of the *Union* into certain short *Articles* and *Questions* and to make a certain kind of *Anatomy* or *Analysis* of the parts and members thereof; Not that I am of Opinion that all the *Questions* which I now shall open, were fit to be in the Consultation of the *Commissioners* propounded. For I hold nothing so great an Enemy to good Resolution, as the making of too many Questions, Specially in *Assemblies*, which consist of many. For *Princes* for avoiding of Distraction must take many things by way of admittance; And if *Questions* must be made of them, rather to suffer them to arise from others then to grace them, and authorize them as propounded for themselves. But unto your *Majesties* private Consideration to whom it may better sort with me rather to speak as a *Remembrancer*, than as *Counseller*, I have thought good to lay before you all the *Branches Lineaments*, and *Degrees* of this *Union*, that upon the *View* and consideration of them and their Circumstances your *Majesty* may the more clearly discern and more readily call to mind which of them is to be embraced, and which to be rejected; And of these, which are to be accepted, which of them to be presently to be proceeded in, and which to be put over to further time, and again which of them shall require *Authority of Parliament*, and which are fitter to be effected by your *Majesties Royal Power* and *Prerogative*, or by other Pollicies or means; And lastly which of them is liker to pass with difficulty and Contradiction, and which with more Facility and Smoothness.

First therefore to begin with that Question that I suppose will be out of question.

Statures concerning Scotland, and the Scottish Nation.

Whether it be not meet, that the Statutes, which were made touching *Scotland* or the *Scottish Nation*, while the *Kingdoms* stood severed be repealed?

It is true, there is a Diversity in these: For some of these *Lawes* consider

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conſider Scotland as an Enemy Countrey; Others Lawes conſider it as a Forrain Countrey only: As for Example, the Law of Rich. 2. anno 7th. which Prohibiteth all Armour, or Victual to be carried to Scotland: And the Law of 4th. of K. H. the 7. that Enacteth a Title Scottiſh Men to depart the Realm within a time prefixed; Both theſe Lawes, and ſome others, reſpect Scotland as a Countrey of Hoſtility: But the Law of 22. of Edward 4th. that endueth Lawes with the Liberty of a Staple, where all Scottiſh Merchandizes ſhould reſort that ſhould be uttered for England: And likewiſe all Engliſh Merchandizes that ſhould be uttered for Scotland; This Law beholdeth Scotland, only as a Forrain Nation; And not ſo much neither; For there have been erected Staples, in Towns of England, for ſome Commodities, with an Excluſion and Reſtriction of other parts of England.

Laws Cuſtoms Commiſſions, Officers, of the Borders or Marches.

But this is a Matter of the leaſt Difficulty; your Majeſty ſhall have a Calender made of the Laws, and a Brief of the Effect: And ſo you may judge of them: And the like, or Reciproque is to be done by Scotland, for ſuch Laws as they have concerning England and the Engliſh Nation.

The Second Queſtion is, what Laws, Cuſtoms, Commiſſions, Officers, Griefes and the like, are to be put down diſcontinued or taken away, upon the Borders of both Realms.

This point becauſe I am not acquainted with the Orders of the Marches, I can ſay leſs.

Herein falleth that Queſtion, whether that the Tennants, who hold their Tennant Rights in a greater Freedome and Exemption, in Conſideration of their Service upon the Borders; And that the Countries themſelves which are in the ſame reſpect diſcharged of Subſidies and Taxes, ſhould not now be brought to be in one degree with other Tennants and Countreys; Nam ea ante cauſa tollitur Effectu; Wherein in my Opinion, ſome time would be given; Quia ad nec orum Meſsis in Herba eſt: But ſome preſent Ordinance would be made to take effect at a future time conſidering it is one of the greateſt Points and Marks of the Diviſion of the Kingdoms. And becauſe Reaſon doth dictate, that where the Principal Solution of Continuity was, there the Healing and Conſolidating Plaiſter ſhould be chiefly applied; There would be ſome further Device, for the utter and perpetual Confounding of theſe Imaginary Bounds, (as your Majeſty termeth them;) And therefore it would be conſidered, whether it were not convenient to Plant and Erect, at Carliſle, or Barwick ſome Counſel or Court of Juſtice, the Juriſdiction whereof, might extend part into England, and part into Scotland; With a Commiſſion; not to proceed preciſely, or meerly, according to the Laws, and Cuſtoms either of England or Scotland, but mixtly, according to Inſtruction, by your Majeſty to be ſet down, after the Imitation, and Preſident of the Counſel of the Marches here in England, Erected upon the Union of Wales.

Further Union beſides the Removing of Inconvenient and diſſenting Laws and Uſages

The third Queſtion is that which many will make a great Queſtion of, though perhaps your Majeſtie will make no Queſtion of it; And that is, Whether your Majeſty ſhould not make a ſtop or ſtand here, and not to proceed to any further Union; Contenting your Self with the two former Articles or Point.

For it will be ſaid, That we are now well, (thanks be to God;) And your Majeſty, and the State of neither Kingdom is to be repented of, And that it is true which Hippocrates ſaith; That, Sana Corpora aſſuetè medicationes ferunt: It is better to make Alterations in ſick Bodies, then in ſound. The Conſideration of which point, will reſt upon theſe two Branches: What Inconveniencies will enſue with time, if the Realmes ſtand as they are, divided.

divided, which are yet not found nor ſprung up. For it may be the ſweetneſs of your *Majeſties* firſt entrance, and the great Benifit that both *Nations* have felt thereby, hath covered many *Inconveniences*; which nevertheleſs be your *Majeſties* Government, never ſo gracious and Pollitick, Continuance of time and the Accidents of time may breed and diſcover, if the *Kingdomes* ſtand divided.

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The ſecond *Branch* is, allow no manifeſt or important Peril or *Inconvenience* ſhould enſue of the continuing of the *Kingdomes* divided, yet on the other Side, whether that upon the further *Uniting* of them, there be not like to follow that Addition and encreaſe of Wealth and Reputation, as is worthy your *Majeſties* vertues and Fortune, to be the Author and Founder of, for the advancement and Exaltation of *your Majeſties Royal poſterity* in time to come.

But admitting that your *Majeſty* ſhould proceed to this more perfect and entire *Union*, wherein your *Majeſty* may ſay *Majus Opus moveo*, to enter into the *parts* and *degrees* thereof, I think fit firſt to ſet down as in a brief *Table* in what points the *Nations* ſtand now at this preſent time already *united*, and in what *Points* yet ſtill ſevered and divided, that your *Majeſty* may the better ſee what is done, and what is to be done; And how that which is to be done is to be inferred upon that which is done.

Points wherein the Nations ſtand already united.

The *Points*, wherein the *Nations* ſtand already united are;

In *Soveraignty*.
In the *Relative* thereof which is *Subjection*.
In *Religion*.
In *Continent*.
In *Language*.

And now laſtly, by the Peace by your *Majeſty* concluded with *Spain* in *Leagues* and *Confederacies*, for now both *Nations* have the ſame Friends and the ſame Enemies.

Yet notwithſtanding there is none of the ſix points, wherein the *Union* is perfect, and Conſummate; But every of them hath ſome ſcruple or rather Grain of ſeparation enwrapped and included in them.

Soveraignty Line Royal.

For the *Soveraignty*, the *Union* is abſolute in your *Majeſty* and your *Generation*, but if it ſhould ſo be (which *God* of his infinite mercy defend) that your Iſſue ſhould fail, then the deſcent of both *Realms* doth reſort to the ſeveral *Lines* of the Several *Bloods Royal*.

Subjection Obediene.

For *Subjection*, I take the Law of *England* to be clear, (what the Law of *Scotland* is I know not) That all *Scottiſhmen* from the very Inſtant of your *Majeſties Reign* begun are become *Denizens*, and the *Poſt-Nati* are naturalized Subjects of *England* for the time forewards: For by our *Lawes* none can be an *Alien*, but he that is of another Allegiance, than our *Soveraign Lord the King*; For there be but two ſorts of *Aliens*, whereof we find mention in our Law, an *Alien Ami*, and an *Alien Enemy*, whereof the former is a *Subject of State* in *Amity* with the *King*, and the latter a *Subject* of a *State in Hoſtility*: but whether he be one ore other, it is an Eſſential Difference unto the Definition of an *Alien*, if he be not of the *Kings Allegiance*, as we ſee it evidently in the preſident of *Ireland*, who ſince they were *Subjects* to the *Crown of England*, have ever been Inheritable and capable as *Natural Subjects*, and yet not by any *Statute* or *Act of Parliament*, but meerly by the *Common Law*, and

Alien Naturalization

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the Reason thereof. So as there is no doubt, that every *Subject* of *Scotland* was, and is in like Plight and degree, since your *Majesties* comming in, as if your *Majesty* had granted particularly your *Letters* of *Denization* or *Naturalization* to every of them, and the *Post Nati* wholly *Natural*. But then on the other side, for the time Backwards, and for those that were *Ante-Nati*, the *Bloud* is not by Law naturalized, so as they cannot take it by descent from their *Ancestors* without *Act* of *Parliament*. And therefore in this *Point* there is a *defect* in the *Union of Subjection*.

Religion, Church-Government.

For matter of *Religion* the *Union* is perfect in points of *Doctrine*, but in matter of *Discipline* and *Government*, it is imperfect.

Continent Borders.

For the *Continent* it is true, there are not natural *Boundaries* of *Mountains* or *Seas*, or *Navigable Rivers*, but yet there are *Badges* and *memorials* of *Borders*, of which point I have spoken before.

Language. Dialect.

For the *Language* it is true, the *Nations* are *unius Labii*, and have not the first *Curse* of Disunion, which was *Confusion* of *Tongues* whereby one understood not another. But yet the *Dialect* is differing and it remaineth a kind of Mark of Distinction. But for that *Tempori permittendum*, it is to be left to *Time*: For considering that both *Languages*, do concur in the principal Office and Duty of a *Language*, which is to make a Mans self understood; For the rest, it is rather to be accounted (as was said) a *Diversity* of *Dialect*, than of *Language*: and as I said in my first *Writing*, it is like to bring forth the enriching of one *Language*, by compounding and taking in the proper and significant words of either *Tongue*, rather than a continuance of two *Languages*.

Leagues Confederacies. Treaties.

For *Leagues* and *Confederacies*; It is true, that neither Nation is now in *Hostility* with any *State*, wherewith the other *Nation* is in *Amity*: but yet so, as the *Leagues* and *Treaties* have been concluded with either *Nation* respectively, and not with both jointly; which may contain some Diversity of *Articles* of straitness of *Amity* with one more than with the other.

But many of these matters may perhaps be of that kind as may fall within that *Rule*, *In vestè varietas sit, scissura non sit*.

Now to descend to the particular *Points* wherein the *Realms* stand severed and divided, over and besides the former six *Points* of *separation*, which I have noted and placed as defects or Abatements of the six Points of the *Union*, and therefore shall not need to be repeated. The *Points* I say yet remaining I will divide into *External* and into *Internal*.

External points of the Separation and Union.

The *External Points* therefore of the *separation* are four.

1. The several *Crowns*, I mean the *Ceremonial* and *Material Crowns*.
2. The second is the several *Names*, *Stiles*, or *Appellations*.
3. The third is the several *Prints* of the *Seales*.
4. The fourth is the several *Stamps* or *marks* of the *Coins* or *Monies*.

It is true that the *External* are in some respect and parts much mingled, and interlaced with *Considerations Internal*, and that they may be as effectual to the true *Union* which must be the work of Time, as the *Internal*, because they are operative upon the Conceits and Opinions of the *People*: the *Uniting* of whose hearts and affections is the life and true *End* of this *Work*.

The Ceremonial or Material Crowns.

For the *Ceremonial Crowns* the Question will be whether there shall be framed one new Imperial *Crown* of *Britain* to be used for the times to come. Also admitting that to be thought Convenient whether in the frame thereof there shall not be some Reference to the *Crowns* of *Ireland* and *France*.

Allo

Also whether your *Majesty* should repeat or iterate your own *Coronation*, and your *Queens*, or only ordain that such new *Crown* shall be used by your *Posterity* hereafter.

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The *Difficulties* will be in the Conceit of some *Inequality*, whereby the *Realm* of *Scotland* may be thought to be made an Accession unto the *Realm* of *England*. But that resteth in some circumstances: for the *Compounding* of the two *Crowns* is equal; The *Calling* of the new *Crown* the *Crown of Britain* is equal. Onely the *Place* of *Coronation* if it shall be at *Westminster*, which is the *ancient August* and *Sacred place* for the *Kings* of *England* may seem to make a *Inequality*: And again, if the *Crown* of *Scotland* be discontinued, then that *Ceremony* which I hear is used in the *Parliament* of *Scotland*, in the absence of the *Kings* to have the *Crowns* carried in solemnity, must likewise cease.

The Stiles and Names.

For the *Name*, the main question is whether the *Contradicted Name*, of *Britain* shall be by your *Majesty* used or the *Divided Names* of *England* and *Scotland*.

Admitting there shall be an alteration, then the Case will require these Inferiour *Questions*.

First, whether the *Name* of *Britain* shall not only be used in your *Majesties Stile*, whether the entire *Stile* is recited, and in all other Formes the *divided Names* to remain, both of the *Realms* and of the People; Or otherwise that the very *divided Names* of *Realms* and *People* shall likewise be changed or turned into special or subdivided *Names* of the General *Name*, that is to say, for Example, whether your *Majesty* in your *Stile* shall denominate your self, *King* of *Britain*, *France* and *Ireland*, &c. And yet nevertheless in any *Commission*, *Writ*, or otherwise, where your *Majesty* mentioneth *England* or *Scotland*, you shall retain the ancient *Names*, as *Secundum Consuetudinem Regni nostri Angliæ*; or whether those divided *Names* shall be for ever lost and taken away, and turned into the subdivisions of *South-Britain*, and *North-Britain*, and the People to be *South-Britains* and *North-Britains*, and so in the Example aforesaid, the Tenour of the like clause to run *Secundum Consuetudinem Britanniæ Australis*.

Also if the former of these shall be thought convenient, whether it were not better for your *Majesty* to take that alteration of *Stile* upon you by *Proclamation*, as *Edward* the *third* did the *Stile* of *France*, than to have it enacted by *Parliament*.

Also in the *Alteration* of the *Stile*, whether it were not better to transpose the *Kingdome* of *Ireland*, and put it immediately after *Britain*, and so place the *Islands* together, and the *Kingdom* of *France* being upon the Continent last, in regard that these *Islands* of the *Western Ocean* seem by Nature and Providence an entire *Empire* in themselves, and also that there was never *King* of *England*, so entirely possest of *Ireland* as your *Majesty* is: So as your Stile to run *King* of *Britain*, *Ireland*, and the *Islands Adjacent*, and of *France*, &c.

The *difficulties* in this, have been already throughly Beaten over, but they gather but to two *Heads*.

The one, point of *Honour* and *Love* to the former *Name*.

The other, *Doubt*, lest the *Alteration* of the *Name* may induce and involve an *Alterations* of the *Lawes* and *Policies* of the *Kingdom*; Both which, if your *Majesty* shall assume the *Stile* by *Proclamation* and not by *Parliament* are in themselves satisfied: for then the usual *Names* must

must needs remain, in *Writs* and *Records*, the formes whereof cannot be altered but by *Act of Parliament*, and so the point of Honour satisfied. And again, your *Proclamation* altereth no *Law*, and so the Scruple of a tacite or implyed *Alteration* of *Lawes*, likewise satisfied. But then it may be considered whether it were not a *Form* of the greatest *Honour*, if the *Parliament* though they did not enact it, yet should become Suiters and Petitioners to your *Majesty* to assume it.

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The Seales.

For the *Seales*; that there should be but one *Great Seal* of *Britain*, and one *Chancellor*, and that there should onely be a *Seal* in *Scotland* for *Processes* and *ordinary Justice*; and that all *Patents* of Graunts of *Lands* or otherwise, as well in *Scotland*, as in *England*, should pass under the *Great Seal* here, kept about your *Person*; It is an *Alteration internal*, whereof I do not now speak.

But the *Question* in this Place is, whether the *Great Seales* of *England* and *Scotland* should not be changed into one and the same Form of *Image* and *Superscription* of *Britain*, which nevertheless is requisite should be, with some one plain of manifest Alteration, lest there be a buz, and suspect that *Grants* of *Things* in *England*, may be passed by the Seal of *Scotland*, or *è converso*.

The Standards and Stamps, Moneys.

Also, whether this *Alteration* of *Form*, may not be done without *Act*, of *Parliament*, as the *Great Seals* have used to be heretofore changed as to their *Impressions*.

For the *Moneys*, as to the Real and Internal Consideration thereof, the *Question* will be, whether your *Majesty* should not continue two *Mints*, which the Distance of *Territory* considered) I suppose will be of Necessity.

Secondly, how the *Standards* (if it be not already done, as I hear some doubt made of it in popular Rumour) may be reduced into an exact proportion for the time to come; And likewise the *Computation*, *Tale* or *Valuation* to be made exact for the *Moneys* already beaten.

That done, the last *Question is*, (which is only proper to this place) whether the *Stamp* or the *Image* and *Superscription* of *Britain* for the time forwards should not be made the self same in both places, without any difference at all. A matter also which may be done as our *Law* is, by your *Majesties Prerogative* without *Act* of *Parliament*.

These *Points* are *Points* of *Demonstration Ad faciendum populum*, but so much the more they go to the *Root* of your *Majesties Intention*, which is to imprint and inculcate into the Hearts and Heads of the *People*, that they are one *People* and one *Nation*.

In this kind also, I have heard it, passe, abroad in Speech of the *Erection* of some *new Order* of *Knighthood*, with a Reference to the *Union*, and an *Oath* appropriate thereunto, which is a *Point* likewise deserveth a Consideration. So much for the *External Points*.

Internal Points of Union.

The *Internal Points* of *Separation*, are as followeth.

1. Several *Parliaments*.
2. Several *Councels* of *Estate*.
3. Several *Officers* of the *Crown*.
4. Several *Nobilities*.
5. Several Lawes.
6. Several *Courts* of *Justice*, *Trials*, and *Processes*.

7. Se-

7. Several *Receipts* and *Finances*.
8. Several *Admiralties* and *Merchandizings*.
9. Several *Freedomes* and *Liberties*.
10. Several *Taxes* and *Impoſts*.

Articles touching the Union of England and Scotland.

As touching the ſeveral *States Eccleſiaſtical*, and the ſeveral *Mints* and *Standards*, and the ſeveral *Articles* and *Treaties* and *Intercourſe* with *Forrain Nations*, I touched them before.

In theſe *Points* of the ſtraight and more inward *Union* there will interveen one principal *Difficulty* and *Impediment* growing from that *Root*, which *Ariſtotle* in his *Politicks* maketh to be the Root of all diviſion and diſſention in *Common-Wealths*, and that is *Equality* and *Inequality*. For the *Realm* of *Scotland* is now an Ancient and noble *Realm*, ſubſtantive of it ſelf. But when this *Iſland* ſhall be made *Britain*, then *Scotland* is no more to be conſidered as *Scotland*, but as a part of *Britain*; No more than *England* is to be conſidered as *England* but as a part likewiſe of *Britain*, and conſequently neither of theſe are to be conſidered as things entire of themſelves but in the proportion that they bear to the whole. And therefore let us Imagine (*Nam id mente cernamus, quod actu non poſſumus*) that *Britain* had never been divided, but had ever been one *Kingdome*, then that part of *Soyl*, or *Territory*, which is comprehended under the Name of *Scotland*, is in quantity (as I heard it eſteemed, how truely I know not) not paſt a third part of *Britain*; and that part of *Soyl* or *Territory* which is comprehended under the Name of *England*, is two parts of *Britain*, leaving to ſpeak of any difference of *Wealth* or *Population*, and ſpeaking only of *Quantity*. So then if for Example *Scotland* ſhould bring to *Parliament* as much *Nobility* as *England*, then a Third part ſhould countervail two parts; *Nam ſi inequalibus æqualia addas omnia erunt Inæqualia*. And this I proteſt before *God* and your *Majeſty*, I do ſpeak not as a man born in *England*, but as a man born in *Britain*. And therefore to deſcend to the particulars.

For the *Parliaments* the Conſideration of that Point will fall into four *Queſtions*. 1. Parliament.

1. The firſt, what proportion ſhall be kept between the *Votes* of *England* and the *Votes of Scotland*.

2. The Second touching the *manner* of *Propoſition*, or *poſſeſſing* of the *Parliament* of Cauſes there to be handled; which in *England* is uſed to be done immediately by any *member* of the *Parliament*, or by the *Prolocutor*, and in *Scotland* is uſed to be done immediately by the *Lords* of *Articles*, whereof the one Form ſeemeth to have more *Liberty*, and the other more *Gravity*, and *Maturity*; and therefore the Queſtion will be, whether of theſe ſhall yield to other, or whether there ſhould not be a Mixture of both, by ſome commiſſions precedent to every *Parliament* in the nature of *Lords* of the *Articles*, and yet not excluding the liberty of propounding in full *Parliament* afterwards.

3. The Third, touching the *Orders* of *Parliament*, how they may be compounded and the beſt of either taken.

4. The Fourth, how thoſe which by *Inheritance* or otherwiſe, have *Offices* of *Honour* and *Ceremony* in both the *Parliaments*, as the *Lord Steward* with us, &c. may be ſatisfied and Duplicity accommodated.

For

Articles touching the Union of England, and Scotland.

For the *Councels* of *Estate*, while the *Kingdomes* stand divided, it should seem necessary to continue several *Councels*, but if your *Majesty* should proceed to a strict *Union*, then howsoever your *Majesty* may establish some *Provincial Councels* in *Scotland* as there is here of *York* and in the *Marches* of *Wales*, yet the question will be, whether it will not be more convenient for your *Majesty*, to have but one *Privy Councel* about your *Person*, whereof the *Principal Officers* of the *Crown* of *Scotland* to be for *Dignity* sake, howsoever their abiding and remaining may be as your *Majesty* shall imploy their service. But this Point belongeth meerly and wholy to your *Majesties Royal* Will and pleasure.

2. Counsels of Estate.

3 Officers of the Crown.

For the *Officers* of the *Crown* the consideration thereof will fall into these Questions.

First in regard of the *Latitude* of your *Kingdom* and the *Distance* of Place whether it will not be Matter of necessity to continue the several *Officers*, because of the *Impossibility* for the service to be performed by one.

The Second admitting the *duplicity* of *Officers* should be continued, yet whether there should not be a difference that one should be the *Principal Officer*, and the other to be but Special and subaltern: as for example one to be *Chancellor* of *Britain*, and the other to be *Chancellor* with some special addition, as here of the *Dutchy*, &c.

The Third if no such specialty or inferiority be thought fit, then whether both *Officers* should not have the *Title* and the *Name* of the whole *Island* and *Precincts*: As the *Lord Chancellor of England* to be *Lord Chancellor of Britain*; And the *Lord Chancellor of Scotland*, to be *Lord Chancellor of Britain*, but with several provisoes that they shall not intromit themselves, but within their several precincts.

4. Nobilities.

For the *Nobilities*, the consideration thereof will fall into these *questions*.

The First of their *Votes in Parliament* (which was touched before) what proportion they shall bear to the *Nobility* of *England*, wherein if the proportion which shall be thought fit be not full yet your *Majesty* may out of your *Prerogative* supply it, for although you cannot make fewer of *Scotland*, yet you may make more of *England*.

The Second is touching the *Place*, and *Precedence* wherein to marshal them according to the *Precedence* of *England* in your *Majesties Stile*, and according to the *Nobility* of *Ireland*, that is all *English Earls first*, and then *Scottish* will be thought unequal for *Scotland*. To marshal them according to *Antiquity*, will be thought unequal for *England*. Because I hear the *Nobility* is generally more ancient: And therefore the question will be whether the indifferentest way were not to take them enterchangeably, as for Example First, the ancient *Earl* of *England*; and then the ancient *Earl* of *Scotland*, and so *Alternis Vicibus*.

5. Lawes.

For the *Lawes*, to make an intire and perfect *Union*, it is a matter of great difficulty and length, both in the *Collecting* of them and in the passing of them. For first as to the *Collecting* of them, there must be made by the *Lawyers* of either *Nation*, a *Digest* under *Titles* of their several *Lawes* and *Customes*, as well *Common Lawes*, as *Statutes*, that they may be *Collated* and *Compared*, and that the *diversities* may appear, and be discerned of. And for the *Passing* of them we see by experience that *Patrius mos* is dear to all men and that men are bred and nourished up in the Love of it, and therefore how harsh *Changes* & *Innovations* are. And we see likewise what disputation & argument the *Alteration* of some one *Law* doth cause & bring forth, how much more the alteration of the whole *Corps* of the *Law*? Therefore the first

Question

Articles touching the Union of Eng and and Scotland.

Question will be whether it be not good to proceed by parts, and to take that that is moſt neceſſary and leave the reſt to Time? The parts therefore or Subject of *Lawes*, are for this purpoſe fitlieſt diſtributed, according to that ordinary *Diviſion* of *Criminal* and *Civil*, and thoſe of *Criminal Cauſes*, into *Capital* and *Penal*.

The ſecond *Queſtion* therefore is, allowing the General *Union* of *Laws* to be too great a Work to embrace, whether it were not convenient that *Caſes Capital* were the ſame in both *Nations*, I ſay the *Caſes*, I do not ſpeak of the *Proceedings* or *Trials*; That is to ſay, whether the ſame *Offences* were not fit to be made *Treaſon* or *Felony* in both places?

The third *Queſtion* is, whether *Caſes Penal*, though not *Capital*, yet if they concern the *Publick State*, or otherwiſe the *Diſcipline* of *Manners* were not fit likewiſe to be brought into one *Degree*, as the *Caſe* of *Miſpriſion* of *Treaſon*, The *Caſe* of *Premunire*, the *Caſe* of *Fugitives*, the *Caſe* of *Inceſt*, the *Caſe* of *Simony* and the reſt.

But the *Queſtion* that is more urgent then any of theſe is; whether theſe *Caſes*, at the leaſt be they of an higher or inferiour degree, wherein the *Fact* committed, or *Act done* in *Scotland*, may prejudice the *State* and *Subjects* of *England*, or *è converſo*, are not to be reduced into one *Uniformity*, of *Law* and *puniſhment*, as for example a perjury committed in a *Court* of *Juſtice* in *Scotland*, cannot be prejudicial in *England*, becauſe *Depoſitions* taken in *Scotland*, cannot be produced and uſed here in *England*. But a *Forgery* of a *Deed* in *Scotland*, I mean with a falſe *Date* of *England* may be uſed and given in Evidence in *England*. So likewiſe the depopulating of a *Town in Scotland*, doth not directly prejudice the *State* of *England*: But if an *Engliſh Merchant* ſhall carry Silver and *Gold* into *Scotland* (as he may) and thence tranſport it into forrain parts, this prejudiceth the *State of England*, and may be an Evaſion to all the *Laws* of *England*, ordained in that *Caſe*: And therefore had need to be bridled with as ſevere a *Law* in *Scotland*, as is here in *England*

Of this kind there are many *Lawes*.

The *Law* of the 50th. of *Rich.* the 2. of going over without licence, if there be not the like *Law* in *Scotland* will be fruſtrated and evaded: For any *Subject* of *England* may go firſt into *Scotland*, and thence into forrain parts.

So the *Laws* prohibiting Tranſportation of ſundry *Commodities*, as *Gold*, and *Silver*, *Ordnance*, *Artillery*, *Corn*, &c. if there be not a Correſpondence of *Lawes* in *Scotland*, will in like manner be deluded and fruſtrate: For any *Engliſh Merchant* or *Subject* may carry ſuch *Commodities* firſt into *Scotland*, as well as he may carry them from Port to Port in *England*. And out of *Scotland* into Forrain Parts, without any peril of *Law*.

So *Libels* may be deviſed and written in *Scotland*, and publiſhed and ſcattered in *England*.

Treaſons may be plotted in *Scotland* and executed in *England*.

And ſo in many other *Caſes*, if there be not the like Severity of *Law* in *Scotland*, to reſtrain *Offences*, that there is in *England*; (whereof we are here ignorant whether there be or no) It will be a Gap or ſtop even for *Engliſh Subjects* to eſcape and avoid the *Lawes of England*

But for *Treaſons* the beſt is that by the *Statute* of 26. *K. Hen.* the 8. *Cap.* 13. any *Treaſon* commmitted in *Scotland*, may be proceeded with in *England* as well as *Treaſons* committed in *France*, *Rome* or elſewhere.

Articles touching the Union of England, *and* Scotland.

For *Courts* of *Justice*, *Trials*, *Process*, and other *Administration* of *Laws*, to make any *Alteration* in either *Nation* it wil be a Thing so new and unwonted to either *People*; That it may be doubted it will make the *Administration* of *Justice*, (Which of all other Things ought to be known, and certain as the beaten way;) to become intricate and uncertain: And besides, I do not see that the Severalty of *Administration* of *Justice*, though it be by *Court Soveraign* of *last resort*; (mean without *Appeal*, or *Errour*,) is any Impediment at all to the *Union* of a *Kingdom*: As we see by Experience, in the several *Courts* of *Parliament*, in the *Kingdom* of *France*: And I have been alwayes of Opinion, that the *Subjects* of *England* do already fetch *Justice* somewhat far off, more then in any *Nation* that I know, the largeness of the *Kingdom* considered, though it be holpen in some part by the *Circuits* of the *Judges*; And the two *Councels* at *Yorke*, and the *Marches* of *Wales* established.

6. Courts of Justice, and Administration of Lawss

But it may be a *Question*, whether as *Commune Vinculm*, of the *Justice* of both *Nations*; your *Majesty* should not erect some *Court* about your *person* in the Nature of the *Grand Councel* of *France*: To which *Court* you might by way of *Evocation* draw Causes from the ordinary *Judges* of both *Nations*; For so doth the French King from all the *Courts* of *Parliament* in *France*; Many of which are more remote from *Paris* then any part of *Scotland* is from *London*.

7. Receits, Finances, and Patrimonies of the Crown.

For *Receits* and *Finances*, I see no *Question* will arise; In regard it will be Matter of Necessity to establish in *Scotland*, a *Receit* of *Treasure*, for *Payments*, and Erogations to be made in those parts: And for the *Treasure* of *Spare*, in either *Receipts* the *Customes* thereof may well be several; considering by your *Majesties Commandment*, they may be at all times removed, or disposed according to your *Majesties Occasions*.

For the *Patrimonies* of both *Crowns*, I see no Question will arise; Except your *Majesty* would be pleased to make one compounded *Annexation*, for an Inseparable *Patrimony*. to the *Crown* out of the *Lands* of both *Nations*; And so the like for the *Principality* of *Britaine*, and for other *Appennages*, of the rest of your *Children*; Erecting likewise such *Duchies* and *Honours* compounded of the Possessions of both *Nations*, as shall be thought fit.

8. Admiralty, Navy, and Merchandizing.

For *Admiralty* or *Navy*, I see no great question will arise: For I see no Inconvenience for your Majesty to continue *Shipping* in *Scotland*. And for the *Jurisdictions* of the *Admiralties*, and the Profist, and Casualties of them, they will be respective unto the *Coasts*, over against which the Seas lye and are situated; As it is here with the *Admiralties* of *England*.

And for *Merchandizing* it may be a Question, whether that the *Companies* of the *Merchant Adventurers*, of the *Turkie Merchants* and the *Muscovy Merchants*, (if they shall be continued,) should not be compounded of *Merchants* of both *Nations*, *English* and *Scottish*. For to leave *Trade* free in the one *Nation*, and to have it restrained in the other may percase breed some *Inconvenience*.

9. Freedome and Libertie.

For *Freedoms* and *Liberties* the *Charters* of both *Nations* may be revived: And of such *Liberties* as are agreeable, and convenient for the *Subjects*, and *People* of both *Nations*, one *Great Charter* may be made and confirmed to the *Subjects* of *Britaine*; And those *Liberties* which are peculiar or proper to either *Nation* to stand in State as they do.

But

But for *Impots* and *Customs* it will be a great *Question* how to accommodate to me, and reconcile them: For if they be much easier in *Scotland* than they be here in *England* (which is a Thing I know not) then this Inconvenience will follow; That the *Merchants* of *England*, may unlade in the *Ports* of *Scotland*; and this *Kingdome* to be served from thence, and your *Majesties Customes* abated.

And for the question, whether the *Scottish Merchants* should pay *Strangers Customs* in *England*, that resteth upon the *Point* of *Naturalization*, which I touched before.

Thus have I made your *Majesty* a brief and naked *Memorial* of the *Articles* and *Points* of this great *Cause*, which may serve only to excite and stir up your *Majesties Royal Judgment*, and the *Judgment of Wiser Men* whom you will be pleased to call to it: Wherein I will not presume to perswade or dissuade any thing; Nor to interpose mine own Opinion; But do expect light from your *Majesties Royal directions*; Unto the which I shall ever submit my *Judgement*, and apply my *Travaile*, : And I most humbly pray your *Majesty* in this which is done to pardon my Errours, and to cover them with my good Intention and meaning, and desire I have to do your *Majesty* Service, and to acquit the Trust that was reposed in me, and chiefly in your *Majesties* benign and gracious acceptation.

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10. Taxes and Imposts.

THE BEGINNING OF THE HISTORIE, OF *GREAT BRITAIN.*

BY the *Decease of Elizabeth Queen of England*, the Issues of *King Henry* the 8th. failed, being spent in one *Generation*, and three *Successions*. For that *King* though he were one of the goodliest *Persons* of his time, yet he left onely by his six Wives three *Children*; who *Reigning successively*, and *dying Childless*, made place to the *Line* of *Margaret*, his eldest sister Married to *James* the 4th. *King of Scotland*. There succeeded therefore to the *Kingdome* of *England James* the 6th. then *King* of *Scotland* descended of the same *Margaret*, both by *Father* and *Mother*: So that by a rare Event in the *Pedegrees* of *Kings* it seemed as if the *Divine Providence*, to extinguish and take away all *Note* of a *Stranger*, had doubled upon his Person within the Circle of one Age, the *Royal Blood* of *England*, by both *Parents*. This *succession* drew towards it the Eyes of all men, being one of the most memorable accidents that had hapned a long time in the *Christian World*. For the *Kingdom* of *France*, having been reunited in the Age before in all the *Provinces* thereof formerly dismembred: And the *Kingdom* of *Spain* being of more fresh memory, and united and made entire by the annexing of *Portugal* in the person of *Philip* the *second*, there remained but this third and last *Union*, for the counterpoizing of the power of these three *great Monarchies*; and the disposing of the Affaires of *Europe*, thereby to a more assured and universal Peace and Concord. And this event did hold mens observations and Discourses the more, because the *Island* of *Great Britain* divided from the Rest of the *World*, was never before united in it self under one *King*, notwithstanding the *People* be of one *Language*, and not separate by *Mountains* or great *Waters*: and notwithstanding also that the *uniting* of them, had been in former times industriously attempted both by *War* and *Treaty*. Therefore it seemed a manifest work of *Providence* and *Case* of *Reservation*

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ſervation for theſe times; Inſomuch as the vulgar conceived that now there was an End given, and a conſummation to ſuperſtitious Prophecies (The *Relief of Fools*. But the *Tale* ſometimes of wiſe *Men*, and to an ancient recite Expectation, which had by Tradition been imbibed and inveterated into Mens Minds. But as the beſt divinations, and Predictions are the Politick and probable Foreſight, and conjectures of wiſe *men*, ſo in this matter the *Providence* of *King Hen.* the 7th. was in all mens mouths; Who being one of the *deepeſt* and moſt *prudent Princes* of the *World*, upon the deliberation concerning the *Marriage* of his *Eldeſt Daughter* into *Scotland*, had by ſome *Speech* uttered by him ſhewed himſelf ſenſible, and almoſt Preſcient of this event.

Neither did there want a concurrence of divers Rare external Circumſtances (beſides the vertues and conditions of the *Perſon*) which gave great Reputation to this *Succeſſion*. A *King* in the *ſtrength* of his *years*, ſupported with great *Alliances abroad*, eſtabliſhed with *Royal Iſſue* at home, at *Peace* with all the *World*, practiſed in the *Regiment* of ſuch a *Kingdome*, as might rather enable a *King* by variety of accidents, than corrupt him with Affluence or vain glory; and one that beſides his univerſal capacity and judgement was notably exerciſed and practiſed in *matters* of *Religion*, and the *Church*; which in theſe times by the confuſed uſe of both *Swords*, are become ſo intermixed with conſiderations of Eſtate, as moſt of the Counſailes of *Soveraign Princes* or *Republiques* depend upon them: But nothing did more fill *Forraign Nations* with admiration and Expectation of his *Succeſſion*, then the wonderfull and (by them) unexpected conſent of all *Eſtates* and *Subjects* of *England* for the receiving of the *King* without the leaſt ſcruple, Pauſe, or Queſtion. For it had been generally diſperſed by the *Fugitives* beyond the *Seas* (who partly to apply themſelves to the *Ambition* of *Forreiners*; and partly to give Eſtimation and value to their own Employments; uſed to repreſent the ſtate of *England* in a falſe light) That after *Queen Elizabeths* Deceaſe there muſt follow in *England* nothing but *Confuſions*, *Interreigns* and *perturbations* of *Eſtate*, likely for to exceed the ancient *Calamities* of the *Civil Wars* between the *Houſes* of *Lancaſter* and *York*, by how much more the Diſſentions were like to to be more Mortal and Bloudy, when *Forraign Competition* ſhould be added to Domeſtical; and *diviſions* for *Religion* to matter of *Title* to the *Crown*. And in ſpecial, *Parſons* the *Jeſuite* under a diſguiſed Name had not long before publiſhed an expreſs *Treatiſe*, wherein whether his *malice* made him believe his own *Fancies*, Or whether he thought it the fitteſt way to move *Sedition*, Like *evil Spirits*, which ſeem to foretel the *Tempeſt*, they mean to move; He laboured to diſplay and give colour to all the vain Pretences and dreams of *Succeſſion* which he could imagine, and thereby had poſſeſſed many abroad that knew not the Affairs here with thoſe his *Vanities*. Neither wanted there here within this *Realm*, divers Perſons both Wiſe and well affected, who though they doubted not of the undoubted Right; yet ſetting before themſelves the waves of peoples Hearts (Guided no leſs by ſuddain and temporary *Winds*, then by the natural Courſe and motion of the Waters) were not without fear what might be the event? For *Queen Elizabeth* being a *Prince* of extream Caution; and yet one that loved *Admiration* above ſafety, And knowing the declaration of a *Succeſſor* might in a point of Safety be diſputable; But in point of Admiration and reſpect, aſſuredly to her Diſadvantage; Had from the beginning ſet it down for a *Maxime* of *Eſtate* to impoſe a *Silence* touching *Succeſſion*. Neither was it onely *Reſerved*, as a *Secret* of *Eſtate*, but *Reſtrained* by ſeveral Laws; That no man ſhould preſume to give

Opi

The beginning of the History of Great Britain.

Opinion, or maintain Argument touching the same; So though the *Evidence of Right*, drew all the *Subjects* of the Land to think one thing; yet the *Fear of Danger* of Law, made no man privy to others thought. And therefore it rejoyced all men to see so fair a morning as a *Kingdome*, and to be throughly secured of former apprehensions, as a man that awaketh out of a *Fearful Dream*. But so it was that not only the consent, but the Applause and Joy was infinite and not to be expressed throughout the *Realm* of *England* upon this *Succession*: Whereof the consent (no doubt) may be truly ascribed to the Clearness of the Right; but the general joy, alacrity and Gratulation were the effects of differing *Clauses*. For *Queen Elizabeth* although she had the use of many both Verities and Demonstrations that might draw and knit unto her the hearts of her people; yet nevertheless carrying a hand *Restrained in Gifts* and *trained in Points of Prerogative*, could not not answer the Votes either of *Servants* or *Subjects* to a full contentment, especially in her latter dayes, when the continuance of her *Reign* (which extended to Five and Forty years) might discover in *People*, their *Natural desire* and *Inclination* towards *change*, so that a new *Court* and a new *Reign* were not to many unwelcome. Many were glad, and especially those of *Setled Estate* and *Fortune*, that the *Feares* and *Incertainties* were *Overblown*, and that the *Dye was cast*: Others that had made their way with the *King*, or offered their *Service* in the *Time* of the *former Queen*, thought now the time was come for which they had prepared: and generally all such as had any dependance upon the late *Earl* of *Essex* (who had mingled the secrecy of his own ends, with the popular pretence of advancing the *Kings Title*,) made account their *Cause* was married. Again such as might misdoubt they had given the *King* any occasion of distaste, did continue by their Forwardness and confidence to shew it was but their *Faultlesse* to the *Former Government*, and that those *Affections* ended with the Time. The *Papists* nourished their Hopes by collating the case of the *Papists in England*, and under *Queen Elizabeth*, and the Case of the *Papists in Scotland* under the *King*: Interpreting that the Condition of them in *Scotland* was the less grievous: and divining of the *Kings Government* here accordingly: Besides the Comfort they ministred themselves from the memory of the *Queen* his *Mother*. The *Ministers* and those which stood for the *Presbytery*, thought their cause had more Sympathy with the *Discipline* of *Scotland*, then the *Hierarchy* of *England*, and so took themselves to be a degree nearer their desires. Thus had every *Condition* of persons some contemplation of Benefit, which they promised themselves; over-reaching perhaps according to the nature of hope, but yet not without some probable ground of Conjecture. At which time also there came forth in print the *Kings Book*, entitled Βασιλικον Δωρον: Containing matter of Instruction to the *Prince* his *Son*, touching the *Office* of a *King*, which *Book* falling into every Mans hand, filled the whole *Realm*, as with a good perfume or incense before the *Kings comming in*: For being excellently written and having nothing of Affectation, it did not only satisfie better, than particular reports touching the *Kings disposition*, but far exceeded any formal or curious *Edict* or *declaration*, which could have been devised of that Nature, wherewith *Princes* in the beginning of their *Reigns* do use to grace themselves, or at least express themselves gracious in the eyes of their *People*. And this was for the general the *State* and *Constitution* of mens minds upon this change: The *Actions themselves* passed in this *Manner*, &c.

The rest is wanting.

Articles touching the Union of England and Scotland.

A

LETTER

AND

DISCOURSE.

TO

Sir, *HENRY SAVILL*,

TOUCHING

HELPS

FOR THE

INTELLECTUAL POWERS.

SIR.

COming back from your Invitation at *Eaton*, where I had refreshed my Self with Company which I loved; I fell into a Consideration of that Part of *Policy*, whereof *Philosophy* speaketh too much, and *Laws* too little; And that is of *Education* of *Youth*. Whereupon fixing my mind a while I found strait ways, and noted even in the *Discourses* of *Philosophers* which are so large in this Argument, a strange Silence, concerning one principal Part of that Subject: For as touching the *Framing* and *Seasoning* of *Youth* to *Moral Vertue*; (As *Tolerance* of *Labours*, *Continency* from *Pleasures*, *Obedience*, *Honour* and the like, They handle it; But touching the *Improvement* and *Helping* of the *Intellectual Powers*; As of *Conceit*, *Memory* and *Judgment*, they say nothing. Whether it were that they thought it to be a Matter wherein *Nature* only prevailed; Or that they intended it as referred to the several and Proper *Arts* which teach the use of *Reason* and *Speech*. But for the former of these two Reasons, howsoever it pleaseth them to distinguish of *Habits* and *Powers*; The Experience is manifest enough, that the *Motions*, and *Faculties* of *Wit*, and *Memory*, may not be governed and guided but also confirmed and enlarged by Custome and Exercise duly applyed: As if a *Man* exercise *shooting*, he shall not only shoot nearer the Mark, but also draw a stonger Bow. And as for the Latter of Comprehending these precepts within the *Arts* of *Logick* and *Rhetorick*; If it be rightly considered, their Office is distinct altogether from this Point: For it is no part of the Doctrine of the Use or Handling of an

Instrument

A Discourse touching Helps for the Intellectual Powers.

Instrument to teach how to Whet or grinde the *Instrument* to give it a sharp edge; Or how to quench it or otherwise whereby to give it a stronger Temper. Wherefore finding this part of knowledge not broken, I have but *tanquam aliud agens* entred into it, and salute you with it, dedicating it after the ancient manner, first as to a dear Friend; And then as to an apt person; For as much as you have both place to practise it, and Judgement and Leisure to look deeper into it, than I have done. Herein you must call to mind Ἄσιτον μὴ ὕδωρ. Though the argument be not of great Heighth and dignity, nevertheless it is of great and universal use: And yet I do not see why, to consider it rightly; That should not be a *Learning* of *Heigth*, which teacheth to raise the highest and Worthiest *Part of the Mind*. But howsoever that be, if the *World* take any Light and Use by this *Writing*, I will the Gratulation be to the good Friendship and acquaintance between us two. And so I commend you to *Gods divine protection*.

A DISCOVRSE *touching* HELPS *for the* INTELLECTVAL POWERS.

I Did ever hold it for an Insolent and unlucky Saying; *Faber quisque Fortunæ suæ*; except it be uttered only as an *Hortative or Spur* to correct Sloth. For otherwise if it be believed as it soundeth; And that a Man entreth into an high Imagination that he can compass and fathom all accidents; and ascribeth all successes to his drifts and Reaches; And the contrary to his Errors and Spleenings: It is commonly seen that the *Evening Fortune* of that Man is not so prosperous as of him that without slackining of his Industry attributeth much to *Felicity* and *Providence* above him. But if the sentence were turned to this *Faber quisque Ingenii sui*, it were somewhat more true, and much more profitable: Because it would teach men to bend themselves to *Reform* those *Imperfections* in themselves, which now they seek but to Cover and to attain those *Vertues*, and *good parts*, which now they seek but to have onely in *shew* and *Demonstration*. Yet notwithstanding every Man attempteth to be of the first Trade of Carpenters; And Few bind themselves to the Second: whereas nevertheless the *Rising in Fortune* seldome amendeth the *Mind*; But on the other side the Removing of the Stands and Impediments of the mind, doth often clear the passage and Current to a Mans Fortune. But certain it is whether it be believed or no, that as the most excellent of *Mettals Gold*, is of all other the most Pliant, and most enduring to be wrought; So, of all Living and Breathing Substances, the perfectest (Man) is the most susceptible of *Help*, *Improvement*, *Impression and Alteration*, and not only in his *Body*, *but in his mind and Spirit*, and there again not only in his *Apetite* and *Affection*, but in his *Powers* of *Wit* and *Reason*.

For as to the *Body of Man*, we find many and strange Experiences, how *Nature* is overwrought by *Custome*, even in Actions, that seem of most difficulty and least possible. As first in *Voluntary motion*, which though it be termed *Voluntary*, yet the highest Degrees of it are not *Voluntary*; For it is in my *Power* and *Will* to Run; But to *Run* faster then according to my Lightness or disposition of *Body*, is not in my *Power* nor *Will*. We see the Industry and practise of *Tumblers*, and *Funambulo's*, what *Effects* of great

great *Waters* it bringeth the *Body of Man* unto. So for *suffering of Pain* and *Dolour*, which is thought so contrary to the *Nature of Man*, there is much Example of *Penances* in the *Orders of Superstition*, what they do endure: such as may well verifie the Report of the *spartan boyes*, which were wont to be scourged upon the Altar so bitterly, as sometimes they dyed of it; And yet were never heard to complain. And to pass to those *Faculties* which are reckoned more *Involuntary*; As *long Fasting and Abstinence*, and the contrary *Extreame Voracity*) The *Leaving and Forbearing* the use of *Drink* for altogether, the *Enduring Vehement cold* and the like; There have not wanted, neither do want divers Examples of strange Victories over the Body in every of these. Nay in *Respiration*, the proof hath been of some, who by continual use of *Diving and Working* under the *Water*, have brought themselves to be able to hold their Breath an incredible time; and others that have been able without Suffocation, to endure the Stifling Breath of an Oven, or Furnace so heated as the fire it did not scald nor burn; Yet it was many Degrees too hot for any man not made to it, to Breath or take in. And some *Impostors* and *Counterfeits* likewise, have been able to wreath, and cast their Bodies into strange Formes and motions: Yea, and others to bring themselves into *Trances* and *Astonishments*. All which *Examples* do demonstrate how variously, and how to high Points and Degrees, the *Body of Man* may be (as it were) moulded and wrought. And if any Man conceive then it is some secret propiety of Nature that hath been in those Persons which have attained to those Points, and that it is not open for every Man to do the like, though he had been put to it; For which Cause such things come but very rarely to pass; It is true, no doubt but some Persons are apter then others; But so as the more aptness causeth perfection, but the less aptness doth not disable: So that for example, the more apt *Child*, that is taken to be made a *Funambulo*, will prove more excellent in his Feates; but the less apt will be *Gregarius Funambulo* also. And there is small Question, but that these *Abilities* would have been more common and others of like sort not attempted would likewise have been brought upon the stage, but for two *Reasons*: The one because of mens Diffidence in prejudging them as Impossibilities; For it holdeth in those things which the *Poet* saith; *Possunt quia posse videntur*: For no man shall *know* how much may be done, except he *Believe* much may be done. The other *Reason* is, because they be but practises, base and inglorious, and of no great use, and therefore sequestred from Reward of Value; and on the other side, painfull; So as the Recompence balanceth not with the Travel and suffering. And as to the will of man it is that which is most Maniable and Obedient; as that which admitteth most *Medicins* to cure and alter it. The most *Soveraign* of all, is *Religion*, which is able to change and transform it in the deepest and most inward inclinations and Motions, and next to that is *Opinion* and *Apprehension*; Whether it be infused by Tradition, and Institution; or wrought in by Disputation and Perswasion: and the third is *Example* which transformeth the will of Man into the Similitude of that which is most obversant and familiar towards it. And the fourth is, when one *Affection* is healed and *corrected* by another; as when Cowardise is remedied by Shame and dishonour; Or sluggishness and backwardness by indignation and Emulation, and so of the like. And lastly, when all these *Means* or any of them have new framed or formed *Humane Will*; then doth *Custome* and *Habite* corroborate and confirm all the rest. Therefore it is no marvel, though this *Faculty* of the *Mind*, (of *Will*, and *Election*) which

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inclineth *Affection* and *Appetite* being but the *Inceptions* and *Rudiments* of *Will*; May be so well governed and managed; Because, it admitteth access to so divers *Remedies* to be applyed to it and to work upon it. The Effects whereof are so many, and so known as require no Enumeration; But generally they do issue as *Medicines* do in two *Kinds* of *Cures*; whereof the one is a *Just*, or *True Cure*; And the other is called *Palliation*. For either the Labour and Intention is to reform the Affections really and truly Restraining them if they be too violent; And raising them if they be too Soft and Weak; Or else it is to cover them: Or if occasion be to pretend them, and represent them. Of the former sort whereof the Examples are plentiful in the *Schooles* of *Philosophers*, and in all other *Institutions* of *Moral Vertue*; And of the other sort the Examples are more plentiful in the *Courts* of *Princes*, and in all *Politick Traffique*: Where it is ordinary to find, not only profound Dissimulations and Suffocating the Affections, that no Note, or Mark appear of them outwardly; But also lively Simulations and Affectations, carrying the Tokens of Passions which are not; As *Risus*, and *Lachrimæ Coactæ* and the like.

Of *Helps* of the *Intellectual Powers*.

THe *Intellectual Powers* have fewer means to work upon them then the *Will*, or the *Body* of Man; But the one that prevaileth, that is *Exercise*, worketh more forcibly in them then in the Rest.

These that follow are but indigested Notes.

The Ancient *Habit* of the *Philosophers*, *Si quis quærat in utramque partem, de omni Scibili.*

The *Exercise* of *Schollars* making *verses extempore*, *Stans pede in uno.*

The *Exercise* of *Lawyers*, in *Memory Narrative.*

The *Exercise* of *Sophists*, and *Jo. ad Oppositum*, with manifest effect.

Artificial Memory greatly holpen by *Exercise.*

The *Exercise* of *Buffons*, to draw all things to Conceits Ridiculous.

The *Means* that help the *Understanding* and *Faculties* thereof are.

(Not *Example*, as in the *Will*, by Conversation; And here the Conceit of Imitation already disgested, with the Confutation, *Obiter*, *si videbitur*, of *Tullies Opinion*, advising a Man to take some one to *Imitate*. *Similitude* of *Faces* analysed.)

Arts, *Logick*, *Rhetorick*: The *Ancients*, *Aristotle*, *Plato*, *Thætetus*, *Gorgias*, *Litigosus*, vel *Sophista*, *Protagoras*, *Aristotle*, *Schola sua*. *Topicks*, *Elinchs*, *Rhetoricks*, *Organon*, *Cicero*, *Hermogenes*. The *Neoteriks*, *Ramus*, *Agricola*. *Nil sacri*, *Lullius* his *Typocosmia*, studying *Coopers Dictionary*, *Mattheus Collection* of proper words for *Metaphors*, *Agrippa de vanitat*, &c.

Que. If not here of Imitation.

Collections preparative. *Aristotles* Similitude of a Shoomakers *Shop*, full of *Shoes*, of all sorts: *Demosthenes Exordia Concionum*. *Tullies* precept, of *Theses* of all sorts, *preparative.*

The *Relying* upon *Exercise*, with the *Difference*, of *Using*, and *tempering* the *Instrument*: And the Similitude of prescribing against the *Lawes*, *Nature* and of *Estate.*

5. Points.

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5. Points.

1. That *Exercises* are to be *framed*, to the *Life*, that is to say, to work *Ability* in that kind whereof a *Man* in the *Course* of *Action* shall have most *Use*.

2. The *indirect* and *Oblique Exercises*, which do *per partes*, and *per consequentiam* inable these Faculties; which perhaps *direct Exercise* at first would but distort. And these have chiefly place where the *Faculty* is weak, not *per se* but *per* Accidens. As if *Want* of *Memory* grow through *Lightness* of *Wit*, and want of *fixed Attention*, then the *Mathematiques* or the Law, helpeth: Because they are things wherein if the *Mind* once room it cannot recover.

3. Of the *Advantages* of *Exercise*, as to dance with heavy Shoes, to march with heavy Armour and Carriage; And the contrary *Advantage* (in Natures very dull and unapt) of working *Alacrity* by framing an *Exercise* with some *Delight* or *Affection*.

——*Veluti pueris dant Crustula Blandi*
Doctores Elementa velint ut discere prima.

4. Of the *Cautions* of *Exercise*, as to beware lest by evil doing (as ill Beginners do weakly) a man grow not and be inveterate in an ill *Habit*, and so take not the *Advantage of Custome* in perfection, but in confirming ill. *Slubbering* on the Lute.

5. The *Marshalling* and *Sequele* of *Sciences*, and *Practises*, Logick and *Rhetorick* should be used to be read after *Poesy*, *History*, and *Philosophy*. First *Exercise* to do things well and clean, after promptly and readily.

The *Exercises* in the *Universities* and *Schooles*, are of *Memory* and *Invention*, either to speak by *Heart* that which is set down *verbatim*; Or to speak *Ex tempore*. Whereas there is little use in *Action* of either of both: But most things which we utter, are neither *verbally premeditate*, nor *meerly Extemporal*. Therefore *Exercise* would be framed to take a little Breathing to consider of *Heads*, and then to fit and form the *Speech Ex tempore*. This would be done in two manners; Both with writing and Tables and without. For in most *Actions* it is permitted and passable to use the *Note*; Whereunto if a *Man be not* accustomed, it will put him out.

There is no use of a *Narrative memory* in *Academies*, viz. with Circumstances of Times, Persons and places, and with Names; and it is one Art to discourse, and another to relate, and describe: And herein *Use* and *Action* is most conversant.

Also to Sum up and Contract, is a thing in *Action* of very general *Use*.

Considerations touching the Edification and Pacification of the Church of England.

CERTAIN

CONSIDERATIONS

Touching the Better

PACIFICATION and EDIFICATION

OF THE

CHURCH

OF

ENGLAND.

Dedicated to his most excellent MAJESTY.

THe *Unity* of your *Church*, (excellent *Soveraign*) is a thing no less precious than the *Union* of your *Kingdomes*; Being both Works wherein your *happiness* may contend with your *Worthiness*, having therefore presumed not without your *Majesties* gracious acceptation, to say somewhat of the one; I am the more encouraged not to be silent in the other: The rather, because it is an argument that I have travelled in heretofore: but *Solomon* commended the *Word spoken in Season*, and as our *Saviour* (speaking of the discerning of *Seasons*) saith, *When you see a cloud rising in the West, you say it will be a shower*: So your *Majesties Rising* to this *Monarchy* in the *West parts of the World*, doth promise a sweet and fruitfull *Shower* of many *Blessings* upon this *Church*, and *Common-Wealth*; a *Shower* of that Influence as the very first Dews and Drops thereof, have already layed the Storms and Winds throughout *Christendome*; Reducing the very *Face of Europe* to a more peaceable and Amiable Countenance. But to the purpose.

It is very true, that these *Ecclesiastical matters* are things not properly appertaining to my *Profession*; which I was not so inconsiderate, but to object to my Self: But finding that it is many times seen that a man that standeth off, and somewhat removed from a Plott of Ground, doth better survey it, and discover it, than those which are upon it; I thought it not impossible, but that I as a looker on might cast mine Eyes upon some things which the actors themselves (especially some being *interested*, some *led* and *addicted*, some *ecclared and engaged*) did not or would not see. And those knowing

knowing in my Conscience, I write to God fearing, witness, truth, things which I shall speak, having out of no Vein of Popularity, Odium nor Desire of Novelty, Partiality to either side, Disposition to intermeddle, or any the like Leaven. I may conceive hope that what I want in depth of Judgement, may be countervailed in Simplicity and Sincerity of affection. But of all things, this did most animate me; That I found in these Opinions of mine, (which I have long held and embraced, as may appear by that which I have many years since written of them according to the proportion, nevertheless of my weakness) a Consent and Conformity, with that which your *Majesty* hath published of your own most *Christian*, most *Wise*, and *moderate Sense*, in these Causes: wherein you have well expressed to the *World*, that there is infused in your Sacred breast from God that *High principle*, and *Position* of Government, *that an error is in the Whole, more than in part.*

For who seeth not that many are affected and give Opinion in these matters as if they had not so much in desire to purge the evil from the good, as to countenance and protect the Evil by the Good? Others speak as if their scope were only to set forth what is good, and not to seek what is *Possible*, which is to *Wish* and not to *Propound*. Others proceed as if they had rather a mind of *Reforming* than of *Reforming*: But howsoever either side as men, though excellent men, (till run into Extremities; yet your *Majesty* as a most *Wise*, *Equal*, and *Just Moderator*, is disposed to find out the Golden *Mediocrity* in the establishment of that which is found, and in the Reparation of that which is Corrupt and decayed. To your *Princely Judgement* then I do in all humbleness submit whatsoever I shall propound, offering the same but as a *mite*, into the *Treasury* of your *Wisdome*: For as the *Astronomers* do well observe, that when three of the *Superiour Lights* do meet in *Conjunction* it bringeth forth some admirable effect: So there being joyned in your Majesty the *Light* of *Nature* the *Light of Learning*, and above all the Light of *Gods Holy Spirit*: It cannot be but your *Government* must be as a happy *Constellation* over the States of your *Kingdomes*. Neither is there wanting to your Majesty that fourth *Light*, which though it be but a borrowed Light yet is of singular Efficacy and moment adued to the rest which is the *Light* of a most wise and well *compounded Council*, to whose honourable and grave *Wisdomes* I do likewise submit whatsoever I shall speak, hoping that I shall not need to make protestation of my mind and opinion, that until your *Majesty* doth otherwise determine and order all actual and full Obedience is to be given to *Ecclesiastical jurisdiction* as it now standeth, and when your Majesty hath determined and ordered that every good subject ought to rest satisfied, and apply his Obedience to your *Majesties Lawes*, *Ordinances* and *Royal Commandments*: Nor of the dislike I have of all Immodesty, bitterness, peremptory presumption, popular handling and other courses tending rather to Rumour and Impression in the vulgar sort, then to likely-hood of Effect joyned with *Observation of duty*.

But before I enter into the *Points controverted*, I think good to remove (if it may be) two Opinions, which directly confront and oppose to *Reformation*: The one bringing it to a *Nullity*, and the other to an *Impossibility*. The First is, *that it is against good Policy to innovate any thing in Church matters*; The other is, *That all Reformation must be after one Platform*.

For the first of these, it is excellently said by the Prophet; *State super vias antiquas, & videte, quenam sit via recta & vera, & ambulate in ea.* So as he doth not say, *State super vias antiquas, & ambulate in eis*: For it is true, that with all *Wise* and *Moderate persons*, *Custome and Usage* obtaineth that Reverence, as it is sufficient matter to move them to make a stand, and

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to discover and take a View; But it is no warrant to guide and conduct them: A just Ground, I say it is of *Deliberation*, but not of *Direction*. But on the other side, who knoweth not that *Time* is truly compared to a *Stream* that carrieth down *fresh and pure Waters*, into that *Salt Sea of Corruption*, which invironeth all *Humane Actions*? And therefore if Man shall not by his Industry, Vertue, and Policy, as it were with the Oare row against the Stream and inclination of *Time*; All Institutions and Ordinances be they never so pure, will corrupt and degenerate. But not to handle this matter Common place like, I would only ask why the *Civil State* should be purged and restored by Good and Wholesome *Lawes*, made every Third or Fourth year in *Parliament assembled*; Devising *Remedies*, as fast as *Time* breedeth *Mischiefs*; and contrariwise the *Ecclesiastical State*, should still continue upon the Dregges of *Time*, and receive no alteration now for this Five and Forty years and more? If any Man shall object, that if the like intermission had been used in *Civil Causes* also, the Errour had not been great; Surely the Wisdome of the *Kingdome* hath been otherwise in Experience, for three Hundred years space at the least. But if it be said to me that there is a difference between *Civil Causes* and *Ecclesiastical*, they may as well tell me that *Churches* and *Chappels* need no Reparations, though *Castles and Houses do*; Whereas commonly to speak truth, *Dilapidations* of the inward and Spiritual *Edifications* of the *Church* of *God* are in all times as great as the outward and material. Sure I am that the very word and Stile of *Reformation* used by our *Saviour*, *Ab initio non fuit sic*; was applyed to *Church matters*, and those of the highest *Nature*, concerning the *Law moral*.

Nevertheless, he were both unthankful and unwise, that would deny but that the Church of *England* during the time of *Queen Elizabeth*, of *famous Memory*, did flourish. If I should compare it with Forrain *Churches*, I would rather the Comparison should be in the *Vertues*, then as some make it in the *Defects*, Rather I say as between the *Vine* and the *Olive*, which should be most fruitfull, and not as between the *Briar* and the *Thistle*, which should be most unprofitable. For that Reverence should be used to the *Church*, which the good *Sons* of *Noah* used to their *Fathers Nakednes*; That is, as it were to go backwards, and to help the defects thereof, and yet to dissemble them. And it is to be acknowledged that scarcely any *Church*, yielded in like number of Years, and Latitude of Country, a greater number of *Excellent Preachers*, *Famous Writers*, and *Grave Governours*: But for the *Discipline* and *Orders* of the *Church*, as many and the chiefest of them, are Holy and Good; So yet if Saint *John* were to indite an *Epistle* to the *Church of England*, as he did to them of *Asia*, it would sure have the *Clause*; *Habeo adversus te pauca*. And no more for this *Point*, Saving, that as an Appendix thereunto it is not amiss to touch that *Objection*, which is made to the *Time*, and not to the *Matter*, pretending that if Reformation were necessary, yet it were not now seasonable at your *Majesties* First entrance: Yet *Hippocrates* saith, *Si quid movet à principio move*: And the wisedome of all Examples do shew, that the wisest *Princes*, as they have ever been the most sparing in *Removing* or *Alteration* of *Servants*, and *Officers* upon their coming in; So for *Removing* of *Abuses* and *Enormities*; And for *Reforming* of *Lawes*, and the *Policy* of their *States*, they have chiefly sought to ennoble and commend their beginnings therewith; Knowing that the first Impression with People continueth long; And when mens minds are most in Expectation and suspence then are they best wrought and mannaged: and therefore it seemeth to me

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me, that as the *Spring* of *Nature*, (I mean the Spring of the *year*) is the best Time for purging, and Medicining, the *Natural Body*; So the Spring of *Kingdoms*, is the most proper Season, for the purging, and Rectifying of *Politick Bodies*.

There remaineth yet an *Objection*, rather of Suspition then of Reason; And yet such as I think, maketh a great Impression in the minds of very wise, and well affected Persons, which is; *That if way be given, to Mutation, though it be in taking away Abuses, yet it may so acquaint Men with Sweetness of change, as it will undermine the Stability even of that which is sound and good.* This surely hath been a good and true allegation in the Ancient Contentions, and Divisions, between the *People*, and the *Senat* of *Rome*: where things were carried, at the *Appetites* of *Multitudes*, which can never keep within the Compass of any Moderation: But these Things being with us to have an orderly passage under a King who hath a Royal power, and approved Judgement: And knoweth as well the *Measure* of Things, as the *Nature* of them; It is surely a needless Fear. For they need not doubt but your *Majesty* with the advise of your *Council* will discern what things are intermingled, like the *Tares amongst the Wheat*, which have their *Roots* so enwrapped and entangled as the the one cannot be pulled up without endangering the other; And what are mingled, but as the *Chaff and the Corn* which need but a *Fan* to *sift*, and *sever* them. So much therefore, for the first *Point* of no *Reformation* to be admitted at all.

For the *Second Point*, that there should be but one forme of *Discipline* in all *Churches*; And that imposed by necessity of a commandment, and prescript, out of the *Word of God*; It is a Matter *Volumes* have been compiled of, and therefore cannot receive a brief *Redargution*. I for my part do confess, that in Revolving the *Scriptures*, I could never find any such Thing, But that *God* had left the like *Liberty* to the *Church Government*; To be varied, according to *Times*, and *Places*, and *Accidents*, which nevertheless his high and Divine Providence doth order, and dispose. For all *Civill Governments*, are restrained from *God*, unto the general Grounds of Justice, and *Manners*, But the Policies and Forms of them are left Free: So that *Monarchies*, and *Kingdoms*, *Senates* and *Seignories*, *Popular States*, and *Communalties* are lawful, And where they are planted ought to be maintained inviolate.

So likewise in *Church Matters*, the Substance of *Doctrine* is Imitable: And so are the the general Rules of *Government*, But for *Rites* and *Ceremonies*, And for the particular *Hierarchies*, *Policies*, and *Discipline* of Churches, they be left at large. And therefore it is good we return unto the ancient *Bounds* of *Unity* in the *Church of God*; which was, *One Faith*, *One Baptisme*; And not *one Hirarchie*, *one Discipline*: And that we observe the League of *Christians*, as it is penned by our *Saviour*, which is in substance of Doctrine, this; *He that is not with us, is against us*: But in Things indifferent, and but of circumstance, this; *He that is not against us is with us.* In these things, so as the general *Rules* be observed; *That Christs Flock be fed*; *That there be a Succession in Bishops and Ministers which are the Prophets of the New Testament*; *That there be a due and reverent use of the power of the Keyes*; *That those that preach the Gospel, live of the Gospel, That all things tend to edification: That all things be done in order and with decency*, And the like, The rest is left to *Holy wisdom* and *Spiritual Discretion* of the *Master Builder*, *and inferiour Builders* in *Christs Church*; As it is excellently alluded, by that *Father* that noted; That *Christs Garment was without Seame*, and yet the *Churches Garment was of divers Colours*; And thereupon, setteth down for a Rule; *In veste varietas sit, scissura non sit.*

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In which Variety, nevertheless it is a safe and wise Course to follow good *Examples* and *Presidents*, but then by the Rule of Imitation and Example to consider not only which are best, but which are the likeliest; as namely, the *Government* of the *Church* in the purest Times of the first *Good Emperors* that embraced the *Faith*. For the Times of *Persecution* before *Temporal Princes* received our *Faith*, as they were excellent *Times* for *Doctrine and Manners*, so they be unproper and unlike Examples of *outward Government* and *Policie*. And so much for this *Point*: Now to the particular *Points* of *Controversies*, or rather of *Reformation*.

Circumstances *in the* Government *of* Bishops.

First therefore for the *Government* of *Bishops*, I for my part, not prejudging the Presidents of other *Reformed Churches* do hold it warranted by the *Word of God*, and by the practise of the *Ancient Church* in the *better Times*; And much more convenient for *Kingdomes* than *Parity* of *Ministers* and *Government* of *Synods*. But then further, it is to be considered that the *Church* is not now to *plant*, or *Build*; But only to be proined from Corruption; And to be repaired and restored in some decayes.

For it is worth the Noting that the *Scripture* saith, *Translato Sacerdotio, necesse est, ut Legis fiat Translatio.* It is not possible in respect of the great and neer Sympathy between the *State Civil*, and the *State Ecclesiastical*, to make so main an alteration in the *Church*, but it would have a perilous operation upon the *Kingdoms*: And therefore it is fit that *Controversie* be in Peace and Silence.

But there be two *Circumstances* in the *Administration* of *Bishops* Wherein I confess, I could never be satisfied; *The one the sole Exercise of their Authority*; *The other the deputation of their Authority.*

For the first, the *Bishop* giveth *Orders alone*; *Excommunicateth alone*; *Judgeth alone.* This seemeth to be a thing almost without example in good Government; and therefore not unlikely to have crept in, in the degenerate, and corrupt Times. We see the *greatest Kings and Monarchs* have their *Councels*: There is no *Temporal Court in England* of the higher sort, where the *Authority* doth rest in one person: The *Kings Bench*, *Common Pleas*, and the *Exchequer* are *Benches* of a certain Number of Judges. The *Chancellor of England* hath an Assistance of *twelve Masters of the Chancery*. The *Master of the Wards* hath a *Council of the Court*: So hath the *Chancellor of the Dutchy* In the *Exchequer Chamber*, the *Lord Treasurer is* joyned with the *Chancellor* and the *Barons*. The *Masters* of the *Requests* are ever more then One. The *Justices of Assise* are two. The *Lord Presidents* in the *North*, and in *Wales* have *Councels* of divers; The *Star-Chamber* is an assembly of the *Kings Privy Councel*, aspersed with the Lords *Spiritual and Temporal*: So as in *Courts* the principal *Person* hath ever *Colleagues* or *Assessors*.

The like is to be found in other well governed *Common-Wealths* abroad, where the *Jurisdiction* is yet more dispersed; As in the *Court of Parliament of France*; And in other places. No man will deny but the Acts that pass the *Bishops Jurisdiction* are of as great Importance as those that pass the *Civil Courts*: For Mens *Souls* are more precious then their *Bodies or Goods*; And so are their *Good Names*. *Bishops* have their Infirmities, and have no Exception

on from that general *Malediction*, which is pronounced against all Men Living; *Vae Sol. nam si occiderit*, &c. Nay, we see that the first warrant in *Spiritual Causes*, is directed to a Number, *Die Ecclesiæ*; which is not so in *Temporal matters*: And we see that in general *Canons* of *Church Government*, there are as well assemblies of all the *Clergy* to *Councels*, as of all the States in *Parliament*: Whence should this sole exercise of Jurisdiction come? Surely I do suppose, and I think upon good Ground, That *Ab Initio non fuit ita*: And that the *Deans* and *Chapters* were *Councels* about the *Sees* and *Chaires* of *Bishops* at the first, And were unto them a *Presbytery* or *Consistory*; And intermedled not only in the disposing of their Revenues, and Endowments; but much more in *Jurisdiction Ecclesiastical*. But it is probable that the *Deans* and *Chapters* stuck close to the *Bishops* in matters of *Profit* and the *World*, and would not lose their hold but in matters of Jurisdiction (which they accounted but trouble and Attendance) they suffered the *Bishops* to encroach and usurp; and so the one continueth, and the other is lost. And we see that the Bishop of *Rome*, (*Fas enim & ab hoste doceri*, and no question in that *Church*, the first Institutions were excellent) performeth all *Ecclesiastical Jurisdiction* in *Consistory*.

And whereof consisteth this *Consistory*, but of the *Parish Priests* of *Rome*, which term themselves *Cardinals*, *à Cardinibus Mundi*; Because the *Bishop* pretendeth to be universal over the whole *World*. And hereof again we see many *shadowes* yet remaining: As that the *Dean* and *Chapter pro forma*, chooseth the *Bishop* which is the highest *Point* of *Jurisdiction*. And that the *Bishop* when he giveth *Orders*, if there be any *Ministers* casually present, calleth them to joyn with him in *Imposition* of *Hands*, and some other *Particulars*. And therefore it seemeth to me a Thing *Reasonable* and *Religious*, and according to the first *Institution* that *Bishops* in the greatest Causes and those require a *Spiritual discerning* namely, in *Ordaining*, *Suspending* or *depriving Ministers* in *Excommunication*, (being restored to the true and proper Use; As shall be afterwards touched) in sentencing the *Validity of Mariages* and *Legitimations*, in *Judging Causes Criminous* as *Symony*, *Incest*, *Blasphemy*, and the like; should not proceed sole and unassisted. Which Point (as I understand it) is a *Reformation*, that may be planted *sine Strepitu*, without any perturbation at all: And is a matter which will give *strength* to the *Bishops Countenance*, to the *inferior degrees of Prelates* or *Ministers*; And the better Issue or proceeding to those Causes that shall pass.

And as I wish this *strength* given to the *Bishops* by *Council* so it is not unworthy your *Majesties* Consideration, whether you shall not think fit to give strength to the general *Council* of your *Clergy*, (the *Convocation House*) which was then restrained when the *State* of the *Clergy* was thought a suspected part to the *Kingdome* in Regard of their late Homage to the *Bishop of Rome*; which state now will give place to none in their Loyalty and Devotion to your *majesty*.

For the *Second Point*; which is the *Deputation of their Authority*; I see no perfect and sure Ground for that neither; Being somewhat different from the Examples and Rules of *Government*. The *Bishop* exerciseth his *Jurisdiction* by his *Chancellor* and *Commissary Official*, &c. We see in all *Lawes* in the world, *Offices* of *Confidence* and *skill* cannot be put over nor exercised by *Deputy*; Except it be especially contained in the *Original Grant*; And in that case it is dutiful. And for Experience, there was never any *Chancellor of England* made a *Deputy*. There was never any *Judge* in any Court made a *Deputy*. The *Bishop is a Judge* and of a high Nature; whence cometh it that

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ne should depute? Considering, that all Trust, and Confidence, (as was said,) is personal and Inherent; And cannot, nor ought not be *transposed*? Surely in this again; *Ab Iustio non fuit sic*; But it is probable that *Bishops* when they gave themselves too much to the *Glory* of the *World*, and became *Grandees* in *Kingdoms*, and great *Councellors* to *Princes*, then did they *delegate*, their *proper Jurisdictions*, as things of too inferiour a Nature for their Greatness: And then after the Similitude and Imitation of *Kings* and *Counts Palatine*, they would have their *Chancellors* and *Judges*.

But that *Example* of *Kings* and *Potentates* giveth no good Defence. For the Reasons why *Kings* administer by their *Judges*, although themselves are *Supream Judges* are two. The one, because the Offices of *Kings* are for the most part of Inheritance; And it is a *Rule* in all *Lawes*, that *Offices* of *Inheritance* are rather Matters that *Ground in Interest* then in *Confidence*; For as much as they may fall upon *Women*, upon *Infants*, upon *Lunaticks* and *Ideots*, *persons incapable* to Execute *Judicature* in *Person*; And therefore such *Offices* by all *Lawes*, might ever be exercised and administred by *Delegation*. The Second Reason is, because of the Amplitude of their Jurisdictions; Which is as great as either their *Birth-right from their Ancestours*, or their Sword-right *from God* maketh it. And therefore, if *Moses* that was *Governor* over no *great People*, and those collected together, in a *Camp*; And not scattered in *Provinces* and *Cities*: Himself of an extraordinary *Spirit*; Was nevertheless not able to *suffice* and hold out in person to judge the People; But did by the advise of *Jethro* approved from *God*, substitute *Elders* and *Judges*, how much more other *Kings* and *Princes*.

There is a third *Reason* likewise, though not much to the present purpose; And that is, That Kings either in respect of the *Common-wealth*, or of the *Greatness* of their own *Patrimonies*, are usually *Parties in Suites*; And then their *Judges* stand indifferent betwen Them and the *Subject*. But in the Case of *Bishops*, none of these *Reasons* hold. For first their *Office* is *Elective* and for *Life* and not *Patrimonial* or *Hereditary*: An *Office* meerly of *Confidence*, *Science* and *Qualification*: And for the *Second Reason*, it is true, that their *Jurisdiction* is Ample and Spacious; And that their Time is to be divided between the Labours; As well in the *Word* and *Doctrine*, as in *Government* and *Jurisdiction*. But yet I do not see, (supposing the *Bishop Courts* to be used incorruptly and without any indirect course held to multiply Causes for gain of Fees;) But that the *Bishop* might very well for *Causes* of *Moment*, supply his *Judicial Function* in his own *Person*. For we see before our Eyes that one *Chancellor* of *England* dispatcheth the *Suites* in *Equity* of the whole *Kingdom*; which is not so much by reason of the Excellency of that *Rare Honourable Person*, which now holdeth the place: But it was ever so, though more or less burdenous to the Suiter as the *Chancellor* was more or less able to give dispatch. And if Hold be taken of that which was said before, that the *Bishops Labour* in the *Word* must take up a principal Part of his Time; so I may say again, that *Matters* of *State* have ever taken up, most of the *Chancellors* Time; Having been for the most part, Persons upon whom the *Kings* of this *Realm* have most relyed, for Matters of *Councel*. And therefore there is no Doubt but the *Bishop* whose Circuit is less ample, and Causes in Nature not so multiplying; with the Help of *References* and *Certificates* to and from fit Persons, for the better Ripening of Causes in their mean proceedings; And such ordinary Helps incident to *Jurisdiction*; May very well suffice his *Office*. But yet there is another *Help*: For the Causes that come before him are these: *Tithes*, *Legacies*, *Administrations*, and other *Testamentary*

tary Causes, *Causes Matrimonial*, *accusations against Ministers*, tending to their *Suspension*, *Deprivation* or *Degrading*, *Simony*, *Incontinency*, *Heresy*, *Blasphemy*, *Breach of the Sabboth*, & other like *Causes of Scandal*. The first two of these in my Opinion, differ from the Rest; That is *Tithes* and *Testaments*. For those be matters of profit, and in their nature *Temporal*; Though by a Favour and Connivence of the *Temporal Jurisdiction*, they have been allowed and permitted to the *Courts Ecclesiastical*: The one to the end the Clergy might sue for that that was their *Sustentation* before their own *Judges*, and the other in a kind of Piety and Religion, which was thought incident to the performance of *Dead mens Wills*. And surely for these two the *Bishop* in mine opinion may with less danger discharge himself upon his *Ordinary Judges*. And I think likewise it will fall out, that those Suites are in the greatest number. But for the rest, which require a *Spiritual Science*, and *Discretion*, in respect of their *Nature* or of the *Scandal*, it were reason in my Opinion, there were no *Audience* given, but by the *Bishop* himself; He being also assisted, as was touched before: But it were necessary also he were attended by his *Chancellor*, or some others his *Officers* being learned in the *Civil Lawes*, for his better Instruction in *Points of Formality* or the *Courses* of the *Court*, which if it were done, then were there less use of the *Officials Court*; Whereof there is now so much *Complaint*. And *Causes* of the Nature aforesaid, being only drawn to the *Audience* of the *Bishop*, it would repress frivolous and prowling Suites; and give a grave and Incorrupt proceeding to such Causes as shall be fit for the Court.

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There is a *third Point* also not of *Jurisdiction* but of *Form* of *Proceeding* which may deserve *Reformation*, The rather because it is contrary to the *Lawes*, and *Customes of this Land and State*, which though they do not rule those *Proceedings*, yet may they be advised with for better Directions and that is the *Oath ex Officio*; Whereby Men are enforced to accuse themselves; and that that is more are sworn unto blancks, and not unto *Accusations* and Charges declared. By the *Law of England* no man is bound to accuse himself. In the highest *Cases of Treason*, *Torture* is used for *discovery* and not for *Evidence*. *In Capital matters* no *delinquents* answer upon *Oath*, is required; No, not permitted. In *Criminal matters* not *Capital* handled in the *Star-Chamber*, and in *Causes of Conscience* handled in the *Chancery*, for the most part grounded upon Trust and Secrecy the *Oath* of the *Party* is required. But how? Where there is an *accusation* and an *accuser*, which we call *Bills of Complaint* (From which the *Complainant* cannot vary, and out of the compass of the which the *Defendant* may not be examined) Exhibited unto the *Court*, and by *Process* notified unto the *Defendant*. But to examine a Man upon *Oath*, out of the *Insinuation* of *Fame*, or out of *accusations secret* and *undeclared*; Though it have some Countenance from the *Civil Law*; yet it is so opposite *Ex Diametro* to the sense and Course of the *Common Law*, as it may well receive some *Limitation*.

Concerning the Liturgy, *the* Ceremonies and Subscription.

FOr the *Liturgy*, great Respect and Heed would be taken, least by inveighing against the *Dumb Ministery*, due Reverence, be not withdrawn from the *Liturgy*. For though the *Gift* of *Preaching*, be far above that of

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Reading; Yet the *Action* of the *Liturgy* is as High and holy as that of the *Sermon*. It is said; *Domus mea Domus Orationis Vocabitur*: *The House of Prayer*, Not the *House of Preaching*: And whereas the *Apostle* saith, *How shall men call upon him, on whom they have not believed? And how shall they believe unless they hear? And how shall they hear without a Preacher?* It appeareth that as *Preaching* is the more *Original*, so *Prayer* is the more *Final*: As the difference is between the *Seed* and the *Fruit*; For the keeping of *Gods Law*, is the *Fruit* of the *Teaching* of the *Law*, and *Prayer* or *Invocation* or *Divine Service*, or Liturgy (For these be but Varieties of Termes;) Is the *Immediate Hallowing* of the *Name of God*? And the principal work of the first *Table*, and of the *great Commandement* of the *Love of God*. It is true that the *Preaching* of the *Holy word* of *God* is the *Sowing of the Seed*; It is the *Lifting* up of the *Brazen Serpent*; The *Ministery* of *Faith*; and the ordinary *Means* of *Salvation*; But yet it is good to take Example how that the best *Actions* of the *Worship of God* may be extolled *excessively* and *superstitiously*. As the *Extolling* of the *Sacrament*, bred the *Superstition* of the *Masse*; The *Extolling* of the *Liturgy* and *Prayers*, bred the *Superstition* of the *Monastical Orders* and *Oraisons*; And so no doubt *Preaching* likewise may be magnified and extolled *superstitiously*, as if all the whole *Body* of *Gods worship* should be turned into an *Ear*. So as none (as I suppose) of sound *Judgment* will derogate from the *Liturgy*, if the Form thereof be in all parts agreeable to the *Word of God*; The *Example* of the *Primitive Church*; and that holy *Decency* which *Saint Paul*, commendeth. And therefore first, that there be a *Set Form of Prayer*, and that it be not left either to an *Extemporal Form* or to an *Arbitrary Form*. Secondly that it consist as well of *Laude*, *Hymnes*, *and Thanksgivings*, as of *Petitions*, *Prayers and Supplications*. Thirdly; that the *Form* thereof be quickned with some shortnes and Diversities of *Prayers* and *Hymnes*, and with some Interchanges of the *Voice* of the *People* as well as of the *Minister*. Fourthly that it admit some *Distinctions* of *Times*, and *Commemorations of Gods principal Benefits*, as well general as particular. Fifthly that *Prayers* likewise be appropriated to several *Necessities* and *Occasions* of the *Church*. Sixthly, that there be a *Form* likewise of *Words* and *Liturgy* in the *Administration* of the *Sacraments*, and in the *Denouncing* of the *Censures* of the *Church*, and other Holy *Actions* and *Solemnities*: These things I think will not be much controverted.

But for the *Particular Exceptions* to the *Liturgy* in form as it now standeth, I think divers of them allowing they were *just*, yet they seem not to be *Weighty*; Otherwise then that nothing ought to be accounted Light in matters of *Religion and Piety*; As the Heathen himself could say *Etiam vultu sepe læditur Pietas*. That the *word* (*Priest*) should not be continued especially with Offence, the *word* (*Minister*) being already made familiar. This may be said that it is a good *Rule* in *Translation*, never to confound that in one word in the *Translation*, which is precisely distinguished in two words in the *Original*, for doubt of *Equivocation* and *Traducing*. And therefore seeing the word Πρεσβύτερος & ἱερεὺς, be alwaies distinguished in the *Original*; And the one used for a *Sacrificer*, the other for a *Minister*; The word *Priest* being made common to both (whatsoever the Derivation be) yet in use it confoundeth the *Minister* with the *Sacrificer*. And for an *Example* of this kind I did ever allow the discretion, and tenderness of the *Rhemish Translation* in this Point; That finding in the *Original* the word Ἀγάπη and never ἔρως, do ever translate *Charity*, and never *Love*, because of the *Indifferency* and *Equivocation* of the *word Impure Love*.

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Touching the *Abſolution*, it is not unworthy Conſideration whether it may not be thought unproper and unneceſſary? For there are but two ſorts of *Abſolution*; Both ſuppoſing an *Obligation* precedent: The one upon an *Excommunication*, which is *Religious* and *Primitive*; The other upon *Confeſſion* and *Penance*, which is *Superſtitious*, or at leaſt *Poſitive*, and both particular, neither general. Therefore ſince the one is taken away, and the other hath his proper caſe, what doth a *general abſolution* wherein there is neither *Penance* nor *Excommunication*, precedent? For the *Church never loſeth*, but where the *Church* hath *found*. And ſurely I may think this at the firſt was allowed in a kind of ſpiritual diſcretion; Becauſe the *Church* thought the people could not be ſuddainly weaned from their Conceit of Abſoyling; To which they had been ſo long accuſtomed,

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For *Confirmation* to my underſtanding the caſe of the Queſtion is whether it be not a matter miſtaken and altered by Time; and whether that be not now made a *ſubſequent* to *Baptiſm*, which was indeed an *Inducement* to the *Communion*. For whereas in the *Primitive Church Children* were examined of their *Faith* before they were admitted to the *Communion*, Time may ſeem to have turned it to refer as if it had been to receive a *Confirmation* of their *Baptiſm*.

For *Private Baptiſm* by *Women* or *Lay-Perſons*, the beſt *Divines* do utterly condemn it; and I hear it not generally defended; and I have often marvailed that where the *Book* in the *Preface* to *Publick Baptiſm* doth acknowledge that *Baptiſm* in the practiſe of the *Primitive Church* was Anniverſary and but at certain times; which ſheweth that the *Primitive Church* did not attribute ſo much to the Ceremony as they would break an outward and general Order for it, the *Book* ſhould afterwards allow of *Private Baptiſm* as if *Ceremony* were of that Neceſſity, as the very *Inſtitution* which committed *Baptiſm* only to the Miniſters, ſhould be broken in regard of the ſuppoſed Neceſſity. And therefore this point of all others I think was but a *Conceſſum propter duritiam Cordis*.

For the *Form of celebrating Matrimony*, the *Ring* ſeemeth to many even of vulgar ſenſe and Underſtanding *a Ceremony* not Grave, Eſpecially to be made as the words make it) the eſſential part of the Action beſides ſome other of the words are noted in Speech to be not ſo decent and fit.

For *Muſick in Churches*; That there ſhould be *ſinging of Pſalmes* and *Spiritual Songs* is not denyed: So the Queſtion is *de Modo*, wherein if a man will look attentively into the Order and Obſervation of it, it is eaſie to diſcern between the *Wiſdome* of the *Inſtitution* and the exerciſe of the late *Times*. For firſt there are no Songs or Verſes ſung by the *Quire* which are not ſuppoſed by continual uſe to be ſo familiar with the *People*, as they have them without Book, whereby the ſound hurteth not the Underſtanding, and thoſe which cannot read upon the Book are yet Partakers of the Senſe and may follow it with their mind. So again after the reading of the *Word*, it was thought fit there ſhould be ſome pauſe for Holy Meditations before they proceeded to the Reſt of the *Service*: Which Pauſe, was thought fit to be filled rather with ſome *grave ſound* than with a *ſtill ſilence*; Which was the Reaſon of the *Playing* upon the *Organs* after the *Scriptures* read. All which was decent and tending to *Edification*. But then the *Curioſity* of *Deſcant* and *Reports*, and other *Figures* of *Muſick*, have no Affinity with the *Reaſonable Service of God* but were added in the more pompous Times.

For the *Capp* and *Surplice*, ſince they be Things in their Nature indifferent,

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And yet by ſome, held ſuperſtitious; and that the Queſtion is between Science; and Conſcience It ſeemeth to fall within the compaſs of the *Apoſtles Rule*, which is, *That the ſtronger do deſcend and yield to the weaker*. Only the difference is, that it will be materially ſaid, that the *Rule* holdeth between *Private man*, and *Privat man*, But not between the Conſcience, if a *Private man* and the *Order* of a *Church*. But yet ſince the *Queſtion* at this time is of a *Tolleration*; not by *Connivence*, which may encourage *Diſobedience*; But by *Law* which may give a *Liberty*; It is good again to be adviſed whether it fall not within the *Equity* of the former *Rule*: The rather becauſe the *Silencing* of *Miniſters* by this Occaſion is, in this ſcarcity of good *Preachers*, a puniſhment that lighteth upon the *People*, well as upon the *Party*. And for the *Subſcription* it ſeemeth to me, in the Nature of a *Confeſſion*; and therefore more proper to bind in the *Unity of Faith*, and to be urged rather for *Articles of Doctrine*, then for *Rites* and *Ceremonies*, and *Points* of *outward Government*. For howſoever Politick Conſiderations and Reaſons of State, may require *Uniformity*, yet *Chriſtian* and *Divine Grounds*, look chiefly upon *Unity*.

Touching a Preaching Miniſtery.

TO ſpeak of a *Learned Miniſtery*; It is true that the *Worthineſs* of the *Paſtour* and *Miniſters* is of all other points of *Religion* the moſt *Summary*; I do not ſay the *Greateſt* but the moſt *Effectual* towards the reſt: But herein to my Underſtanding, while Men go on in Zeal, to haſten this work they are not aware of as great or greater Inconvenience, then that which they ſeek to remove. For while they inveigh againſt a *Dumb Miniſtry*, they make too eaſie and too promiſcous an allowance of ſuch as they account *Preachers*; Having not Reſpect enough to their *Learnings* in other Arts, which are *Handmaids*, to *Divinity*; Not reſpect enough to *Years*, except it be in Caſe of *extraordinary Gift*; Not reſpect enough to the *Gift* it ſelf, which many times is none at all. For *God forbid*, that every Man that can take unto himſelf boldneſs to ſpeak an hour together in a *Church* upon a *Text*, ſhould be admitted for a *Preacher*, though he mean never ſo well. I know there is a *Latitude in Gifts*; and a great *Variety* in *Auditories* and *Congregations*; But yet ſo as there is *Aliquid Infimum*, below which you ought not to deſcend. For you muſt rather leave the *Ark* to ſhake as it ſhall pleaſs *God*, then put unworthy hands to hold it up: And when we are in *Gods Temple*, we are warned rather to *put our hands upon our Mouth Then to offer the ſacrifice of Fools*. And ſurely it may be juſtly thought that amongſt many Cauſes of *Atheiſm*, which are miſerably met in our age; as *Schiſmes* and *Controverſies Profane ſcoffings in Holy matters* and others, It is not the leaſt that divers do adventure to handle the *Word of God* which are unfit and unworthy. And herein I would have no man miſtake me, as if I did extoll curious, and affected *Preaching*; which is as much on the other ſide, to be diſliked; and breedeth *Atheiſm*, and ſcandal as well as the other (For who would not be offended at one that cometh into the *Pulpit* as if he came upon the *Stage* to play parts or prizes) neither on the other ſide, as if I would diſcourage any who hath any tollerable Gift.

But upon this *Point* I ground three *Conſiderations*: Firſt, whether it were not requiſite to renew that good *Exerciſe* which was practiſed in this *Church* ſome years; And afterwards put down by order indeed from the *Church*

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In regard of some Abuse thereof; Inconvenient for those Times: And yet against the Advice and Opinion of one of the Greatest and Gravest *Prelats* of this *Land*; And was commonly called *Prophecying*. Which was this, That the *Ministers* within a *Precinct* did meet upon a week day in some principal Town; where there was some ancient *Grand Minister* that was *President*: And an *Auditory* admitted of *Gentlemen*, or other *Persons* of *Layage*. Then every *Minister* successively, beginning with the youngest, did handle one and the same part of *Scripture*, spending severally, some *Quarter* of an *Hour* or better, and in the whole some *two Hours*: And so the *Exercise* being begun and concluded with *Prayer*; And the *President* giving a *Text*, for the next meeting, the *Assembly* was dissolved. And this was as I take it, a forthnights Exercise: which in my Opinion, was the best way to frame and train up *Preachers* to handle the *Word* of *God* as it ought to be handled, that hath been practised. For we see *Oratours* have their *Declamations*, *Lawyers* have their *Moots*, *Logicians* their *Sophems*; And every practise of Science hath an Exercise of Erudition and initiation before Men come to the Life, Onely *Preaching*, which is the worthiest; And wherein it is most danger to be amiss; Wanteth an introduction, and is ventred and rushed upon at the first: But unto this *Exercise* of the *Prophecy*, I would wish these two *Additions*: The one, that after this *Exercise*, which is in some sort *Publike*, there were immediately a *Private Meeting* of the same *Ministers*, Where they might brotherly admonish the one the other: And specially the elder sort the younger, of any Thing that had passed in the *Exercise* in *Matter* or *Manner* unsound and uncomely; And in a word might mutually use such Advise, Instruction, Comfort or Encouragement, as Occasion might minister, For *publike Reprehension* were to be debarred. The other *Addition* that I mean, is, That the same *Exercise*, were used in the *Universities*, for *young Divines*, before they presumed to Preach, as well as in the *Countrey* for *Ministers*. For they have in some *Colleges* an *Exercise* called a *Common Place*, Which can in no Degree be so profitable, being but the Speech of one Man at one time. And if it be feared, that it may be Occasion to whet Mens Speeches for Controversies, it is easily remedied, by some strict Prohibition, that Matters of Controversie tending any way to the violating or Disquieting the *Peace* of the *Church*, be not handled or entred into; Which Prohibition in regard there is ever to be a *Grave Person President* or *Moderator* cannot be frustrate. The *second Consideration* is, whether it were not convenient, there should be a more exact *Prohibition* and *Examination* of *Ministers*; Namely, that the *Bishops* do not ordain alone but by Advise; And then that Ancient *Holy Orders* of the *Church* might be revived: By the which the *Bishop* did Ordain *Ministers* but at *four set times* of the *year*; which were called, *Quatuor Tempora*; which are now called *Ember weeks*; It being thought fit to accompany so High an *Action* with *generall Fasting*, and *Prayer*, and *Sermons*, and all *Holy Exercises*; And the *Names* likewise of those that were to be *Ordained*, were published some dayes before their *Ordination*, To the end *Exceptions* might be taken if just Cause were. The third Consideration is, that if the Cause of the *Church* of *England* be, that a *Computation* is taken of all the *Parochian Churches*, (allowing the *Union* of of such as were too small, and adjacent;) And again a *Computation* to be taken of the *persons*, who are worthy to be *Pastors*; And upon the said Account, if it fall out that there are many more *Churches* then *Pastours*; Then of Necessity Recourse must be had to one of these Remedies; Either *Pluralities* must be allowed, (specially, if

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if you can by *permutation*, make the *Benefices* more compatible:) Or that there be *Allowed Preachers*, to have a more general Charge, to supply and serve by turne *Parishes* unfurnished: For that some *Churches*, should be provided of *Pastours* able to teach; and others wholy Destitute, seemeth to me to be aginst the *Communion* of *Saints* and *Christians*; And against the *Practice* of the *Primative Church*.

Touching the Abuse of *Excommunication.*

Excommunication is the greatest *Judgement* upon *Earth*, Being that which is ratified in *Heaven*; And being a *Precursory* or *Prelusory Judgement* of the great *Judgement* of *Christ* in the *End* of the *World*. And therefore for this to be used unreverently and to be made an *Ordinary Process*, to lackey up and down for *Fees*, how can it be without Derogation to *Gods Honour*, and making the *power of the Keyes* contemptible? I know vey well the Defence thereof, which hath no great Force; That it issueth forth, not for the Thing it self, but for the *Contumacy*. I do not deny, but this *Judgement* is, (as I said before,) of the Nature of *Gods Judgments*, of the which it is a *Model*. For as the *Judgment* of *God*, taketh hold upon the *least sin*, of the *Impenitent*; And taketh no hold, of the *greatest Sin* of the *Convert* or *Penitent*: So *Excommunication*, may in case issue upon the smallest Offence; And in Case not issue upon the greatest: But is this *Contumacy*, such a *Contumacy*, as *Excommunication* is now used for? For the *Contumacy* must be such as the Party, (as far as the Eye and Wisdom, of the *Church* can discern.) standeth in State, of *Reprobation*, and *Damnation*: As one that for that time, seemeth given over to *Final Impenitency*. Upon this *Observation*, I ground two *Considerations*, The one, that this *Censure*, be restored to the true *Dignity* and *Use* thereof; which is, that it proceed not but in Causes of great weight; And that it be decreed not by any *Deputy*, or *Substitute* of the *Bishop*, but by the *Bishop* in *Person*; And not by him alone, but by the *Bishop Assisted*.

The other *Considaeration* is, That in liew thereof, there be given, to the *Ecclesiastical Court*, some ordinary *Process* with such Force, and Coercion as appeareth; That so the *Dignity*, of so high a *Sentence*, being retained, and the Necessity of *Mean Process* supplied the *Church* way be indeed restored, to the Ancient Vigour and Splendour. To this purpose; joyn'd with some other Holy and Good purposes; was there a *Bill*, drawn in *Parliament*, in the Three and Twentieth Year of the *Raign* of the *Queen* deceased; (which was the Gravest *Parliament* that I have known; and the *Bill* recommended by the gravest *Councellor* of *Estate* in *Parliament* Though afterwards, it was stayed by the *Queens* special *Commandment*, the Nature of those Things considered.

Touching NON-RESIDENTS, *And* PLURALITIES.

FOR *Non-Residence*, except it be in case of necessary Absence, it seemeth an *Abuse* drawn out of *Covetousness*, and *Sloth*, For that Men should *Live* of the *Flock*, that they do not *Feed*, Or of the *Alter* at which they do not not *Serve*; Is a Thing that can hardly receive just *Defence*.

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And to Exercise, the *Office*, of a *Pastour*, in Matter of the *Word*, and *Doctrine*, by Deputies; Is a Thing not warranted, as hath been touched before. The *Questions* upon this *Point*, do arise, upon the Cases of *Exception*, and *Excusation*; Which shall be thought *Reasonable* and *Sufficient*; And which not. For the Case of *Chaplains*, let me speak that with your Majesties pardon, and with Reverence, towards the other Peers, and Grave Persons, whose *Chaplains*, by *Statutes*, are priviledged: I should think, that the Attendance which *Chaplains* give, to your *Majesties Court*, and in the Houses, and Families, of their *Lords*, were a juster Reason, why they should have no *Benefice*, then why, they should be qualified to have Two: For, as it standeth with Christian Policy, that such Attendance be in no wise neglected; Because that good, which ensueth thereof to the *Church of God*, may exceed, or countervail that which may follow of their Labours in any, though never so large a *Congregation*; So it were reasonable that their *Maintenance* should *Honourably*, and *Liberally*, proceed thence, whence, their *Labours* be imployed. Neither, are there wanting, in the *Church*, *Dignities*, and *Preferments*, not joyned, with any exact *Cure of Souls*; By which; and by the Hope of which such *Attendants* in *Ordinary*, (who ought to be, as for the most part they are, of the best Gifts, and Sort,) may be further encouraged, and rewarded. And as for *Extraordinary Attendants*, they may, very well, retain the Grace, and Countenance, of their places, and Duties, at times incident thereunto, without *Discontinuance*, or *Non-Residence*, in their *Pastoral Charges*. Next, for the Case of intending *Studies* in the *Universities*, it will more easily receive an Answer; For *Studies* do but serve, and tend to the Practice of those *Studies*; and therefore, for that, which is most principal and final to be left undone, for the attending of that which is *Subservient*, and *Subministrant*, seemeth to be against proportion of *Reason*. Neither do I see, but that they proceed right well in all Knowledge, which do couple *Study* with their *Practice*; and do not first *Study altogether*, and then *Practice altogether*; and therefore they may very well Study at their Benefices. Thirdly, For the Case of *Extraordinary Service* of the *Church*; As if some Pastour be sent to a *General Council*; or here to a *Convocation*; and likewise for the Case of necessity, as in the particular, of Infirmity of Body, and the like; no man will contradict, but there may be some *Substitution* for such a Time. But the General Case of Necessity, is the Case of Pluralities; the *Want* of *Pastours*, and *Insufficiency* of *Livings* considered, *Posito*, that a Man doth faithfully and incessantly divide his Labours between two Cures; which kind of Necessity I come now to speak of in the handling of *Pluralities*.

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For *Pluralities*, in Case the Number of *Able Ministers* were sufficient, and the *Value* of *Benefices* were sufficient, then *Pluralities* were in no sort tollerable. But we must take heed, we desire not Contraries. For to desire that every Parish should be furnished with a sufficient *Preacher*; and to desire that *Pluralities* be forthwith taken way, is to desire Things contrary; considering, *De Facto*, there are not *Sufficient Preachers* for every *Parish*: Whereto adde likewise, that there is not *Sufficient Living* and Maintenance in many Parishes, to maintain a *Preacher*; and it maketh the Impossibility yet much the greater. The *Remedies*, in *Rerum Naturâ*, are but Three; *Union*, *Permutation*, and *Supply*. Union,

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of such *Benefices* as have the *Living* too small, and the *Parish* not too great, and are Adjacent. Permutation, to make *Benefices* more compatible, though men be overuled to some loss, in changing a *Better* for a *Nearer*. Supply, by *Stipendary Preachers*, to be rewarded with some *Liberal Stipends*, to supply, as they may, such places which are unfurnished of *sufficient Pastours*. As *Queen Elizabeth*, amongst other her *Gracious Acts*, did erect certain of them in *Lancashire*; Towards which Pensions, I see no reason but *Reading Ministers*, if they have rich *Benefices* should be charged.

Touching the Provision, *for* sufficient Maintenance, *in the* Church.

TOuching *Church Maintenance*, it is well to be weighed, what is, *Jure Divino*, and what, *Jure Positivo*. It is a *Constitution* of the *Divine Law*, from which humane Laws connot derogate; That those which *feed the Flock*, should *live of the Flock*; That those that *serve at the Altar*, should *live of the Altar*; That those which *dispense spiritual things*, should *reap temporal things*; Of which it is also an Appendix, that the Proportion of this *Maintenance* be not small or necessitous, but Plentiful, and Liberal. So then, that all the Places and Offices of the *Church* be provided of such a *Dotation*, that they may be maintained, according to their several *Degrees*, is a *Constitution*, *permanent*, and *perpetual*: But for particularity of the *Endowment*, whether it should consist of *Tithes*, or *Lands*, or *Pensions*, or *Mixt*, might make a *Question* of *Convenience*, but no *Question* of *precise Necessity*. Again, that the *Case* of the *Church*, *de facto*, is such, that there is want in the *Church* of *Patrimony*, is confessed. For the Principal Places, namely, the *Bishops Livings*, are in some particulars not sufficient; and therefore enforced to be supplyed by Tolleration of *Commendams*, Things, of themselves unfit, and ever held of no good Report. And as for the *Benefices* and *Pastors* Places, it is manifest that very many of them are very weak and penurious. On the other side, that there was a Time when the *Church* was rather burthened with Superfluity, then with Lack, that is likewise apparent; but it is long since; so as the *Fault* was in others, the *Want* redoundeth unto us. Again, that it were to be wished that *Impropriations*, were returned to the *Church* as the most *Proper* and *Natural Endowments* thereof, is a Thing likewise wherein Mens Judgments will not much vary. Nevertheless, that it is an *Impossibility* to proceed now, either to their *Resumption* or *Redemption*, is as plain on the other side. For Men are stated in them by the Highest Assurance of the *Kingdom*, which is, *Act of Parliament*; and the value of them amounteth much above ten *Subsidies*: And the *Restitution* must of necessity pass their Hands, in whose Hands they are now in possession or interest.

But of these things which are manifestly true, to infer, and ground some Conclusions. First, In mine own Opinion and Sense, I must confess (let me speak it with Reverence) that all the *Parliaments* since 27. and 31. of *H.* 8. (who gave away *Impropriations* from the *Church*) seem to me to stand in a sort obnoxious, and obliged to God in Conscience, to do somewhat for the *Church*; To reduce the *Patrimony* thereof to a

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Competency. For ſince they have debarred *Chriſts Wife* of a great part of her *Dowry*, it were Reaſon they made her a competent *Joynture*. Next to ſay, that *Impropritions* ſhould be only charged; that carrieth neither *Poſſibility* nor *Reaſon*. Not Poſſibility for the Reaſons touched before: Not Reaſon, becauſe, if it be conceived, that if any other Perſon be charged, it ſhould be a *Re-charge*, or *Double-Charge*, in as much as he payeth *Tithes* already, that is a Thing miſtaken. For it muſt be remembred that as the *Realm* gave *Tithes* to the *Church*; So the *Realm*, ſince again, hath given *Tithes* away from the *Church* unto the *King*: As they may give their eighth *Sheaf* or ninth *Sheaf*. And therefore the firſt Gift being evacuated, it cannot go in defeazance, or diſcharge of that perpetual Bond, wherewith Men are bound to maintain Gods Miniſters. And ſo we ſee, in Example, that divers Godly and well *Diſpoſed People*, not *Impropriators*, are content to encreaſe their *Preachers Livings*; which, though in *Law* it be but a *Benevolence*, yet before *God* it is a *Conſcience*. Further, that *Impropriations* ſhould not be ſomewhat more deeply charged, then other *Revenues* of like value, methinks cannot well be denyed; both in regard of the *Ancient claim* of the *Church*; And the Intention of the *firſt Giver*; And again, becauſe they have paſſed in *valuation* between Man and Man, ſomewhat at the leſs rate, in regard of the ſaid *pretence* or *claim* of the *Church* in *Conſcience* before *God*. But of this *Point* touching *Church-Maintenance*, I do not think fit to enter into further Particularity, but reſerve the ſame to a fitter Time.

Conſiderations touching the Edification and Pacification of the Church of England.

Thus have I in all Humbleneſs and Sincerity of Heart, to the beſt of my underſtanding, given your *Majeſty* Tribute of my Cares and Cogitations in this *Holy buſineſs*; So highly tending to *Gods Glory*, your *Majeſties Honour*, and the *Peace* and *Welfare* of your *States*. Inſomuch, as I am perſwaded, that the *Papiſts* themſelves ſhould not need ſo much the *Severity* of *Penal Laws*, if the *Sword* of the *Spirit* were better edged by *ſtrengthening* the *Authority*, and *ſuppreſſing* the *Abuſes* in the *Church*.

To conclude, renewing my moſt Humble Submiſſion of all that I have ſaid to your *Majeſties* moſt *High Wiſdom*; And again, moſt humbly craving pardon for any Errours committed in this *Writing*; which, the ſame weakneſs of Judgment that ſuffered me to commit them, would not ſuffer me to diſcover them; I end with my Devout and Fervent *Prayer* to *God*; that as he hath made your *Majeſty* the *Corner-ſtone*, in joyning your two *Kingdoms*; So you may be alſo as a *Corner-ſtone* to unite and knit together theſe Differences in the *Church* of *God*; to whoſe *Heavenly Grace*, and *never erring Direction*, I commend your *Majeſties Sacred Perſon*, and all your *Doings*.

CERTAIN

CONSIDERATIONS

TOUCHING THE

PLANTATION

IN

IRELAND.

PRESENTED

TO

His Majesty.

1606.

IT seemeth *God* hath reserved to your *Majesties* Times, two *Works*; which amongst the *Works* of *Kings*, have the supream Preheminence; The *Union* and *Plantation* of *Kingdoms*. For although it be a great Fortune for a *King* to deliver or recover his *Kingdom*, from long continued Calamities; yet in the judgment of those that have distinguished of the Degrees of *Soveraign Honour*; To be a *Founder* of *Estates* or *Kingdoms*, excelleth all the rest. For, as in *Arts* and *Sciences*, to be the first *Inventer*, is more, then to *Illustrate* or *Amplifie*: And as in the *Works* of *God*, the *Creation* is greater then the *Preservation*: And as in the *Works* of *Nature*, the *Birth* and *Nativity*, is more then the *Continuance*: So in *Kingdoms*, the first *Foundation* or *Plantation*, is of more *Noble Dignity* and *Merit*, then all that followeth. Of which *Foundations*, there being but two Kinds: The first that maketh One of More; And the Second, that maketh One of None; The Latter resembling the *Creation* of the *World*, which

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is De Novo ad Quid; And the Former, the Edification of the Church, which was *de Multiplici ad Simplex, vel ad unum*: It hath pleased the *Divine Providence*, in singular Favour to your *Majesty*, to put both these *Kinds* of *Foundations* or *Regenerations*, into your Hand; The one, in the *Union* of the *Island* of *Britain*; The other, in the *Plantation* of *Great* and *Noble Parts* of the *Island* of *Ireland*: Which Enterprises, being once happily accomplished; Then that which was uttered by One of the best *Orators*, in one of the Worst *verses*; *O fortunatam natam me Consule Romam*: May be far more truly and properly applied to your *Majesties* Act: *Natam te Regi Britanniam*; *Natam Hiberniam*. For he spake, as properly of Deliverance and Preservation; But in these Acts of yours, it may be verified more naturally. For indeed, *Unions* and *Plantations*, are the very *Nativities* or *Birth-days* of *Kingdoms*. Wherein likewise, *your Majesty* hath yet a Fortune extraordinary, and differing from former Examples, in the same Kind. For most Part of *Unions* and *Plantations* of *Kingdoms*, have been founded in the *effusion* of *Blood*; But your *Majesty* shall build, in *Solo puro*, *& in Area pura* that shall need no *Sacrifices Expiatory*, for *Blood*; And therefore, (no doubt) under a Higher and more Assured *Blessing*. Wherefore, as I adventured, when I was less known and less particularly bound to your *Majesty*, then since, by your undeserved Favour I have been, to write somewhat touching the *Union*, which your *Majesty* was pleased to accept; And which since I have to my power seconded by my Travels; Not only in *Discourse*, but in *Action*: So I am thereby encouraged to do the like, touching this Matter of *Plantation*; Hoping that your *Majesty*, will, through the weakness of my Ability, discern the strength of my Affection; And the Honest and fervent Desire I have, to see your *Majesties* Person, Name, and Times, Blessed, and Exalted, above those, of your *Royal Progenitours*. And I was the rather, invited this to do, by the Remembrance, that when the *Lord chief Justice* deceased, *Popham* served in the place, wherein I now serve; And afterwards, in the *Atturney*'s Place, he laboured greatly, in the last Project, touching the *Plantation* of *Munster*. Which nevertheless, as it seemeth, hath given more light, by the *Errours* thereof, what to *Avoyd*; Then, by the *Direction* of the same, what to *Follow*.

First therefore, I will speak somewhat of the *Excellency* of the Work; And then, of the *Means* to compass and effect it. For the *Excellency* of the *Work*, I will divide it into four Noble and Worthy Consequences that will follow thereupon. The First of the four, is *Honour*; whereof I have spoken enough already, were it not that the *Harp* of *Ireland* puts me in mind of that Glorious *Embleme* or *Allegory*, wherein the wisdom of Antiquity did figure and shadow out works of this Nature. For the *Poets feigned*, that *Orpheus* by the vertue and sweetness of his *Harp*, did call and assemble the *Beasts* and *Birds* of their Nature *wild*, and *savage*, to stand about him, as in a *Theatre*; Forgetting their Affections, of Fierceness, of Lust, and of Prey; and listening to the Tunes and Harmonies of the *Harp*: and soon after, called likewise the *Stones*, and the *Woods* to remove, and stand in order about him: which Fable was anciently interpreted, of the *Reducing*, and *Plantation* of *Kingdoms*; when *People* of *Barbarous Manners*, are brought to give over and discontinue their *Customs*, of *Revenge* and *Blood*, and

of

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of dissolute Life, and of Theft, and of Rapine; And to give Ear to the wisdom of *Laws* and *Governments*, whereupon, immediately followeth, the *Calling* of *Stones*, for Building, and Habitation; and of Trees, for the seats of Houses, Orchards, and Enclosures, and the like.

This Work therefore, of all other, most Memorable and Honourable, *your Majesty* hath now in Hand; specially, if your *Majesty* joyn the *Harp* of *David*, in casting out the Evil Spirit of *Superstition*; with the *Harp* of *Orpheus*, in casting out *Desolation* and *Barbarism*.

The second *Consequence* of this *Enterprise*, is the *Avoiding* of an *Inconvenience*, which commonly attendeth upon Happy Times, and is an evil effect, of a good Cause. The Revolution of this present Age, seemeeth to encline to Peace, almost generally in these Parts; And your *Majesties* most Christian and vertuous affections do promise the same more specially, to these your *Kingdoms*. An effect of *Peace* in Fruitful *Kingdoms*, (where the stock of *People* receiving no *Consumption*, nor *Diminution* by *warr*, doth continually multiply and encrease;) must in the end, be a *Surcharge*, or *Overflow* of *People*, more then the *Territories* can well maintain; Which many times, insinuating a general Necessity and want of Means into all Estates, doth turn *External Peace*, into *Internal Troubles* and *Seditions*. Now what an excellent Diversion of this Inconvenience is ministred, by *Gods Providence*, to your *Majesty* in this *Plantation* of *Ireland*? wherein so many *Families* may receive *Sustentations* and *Fortunes*; and the discharge of them also out of *England* and *Scotland*, may prevent many Seeds of *Future perturbations?* So that it is, as if a man were troubled for the Avoidance of water from the place where he hath built his *House*, and afterwards, should advise with himself, to cast those waters, and to turn them into fair Pools or Streams, for pleasure, provision, or use. So shall your *Majesty* in this *Work* have a double Commodity, in the *Avoidance* of *People* here, and in *Making use* of them there.

The third *Consequence*, is the great *Safety* that is like to grow to your *Majesties Estate* in general by this Act; In discomfitting all *Hostile Attempts* of *Foreigners*, which the Weakness of that *Kingdom*, hath heretofore invited: Wherein I shall not need to fetch Reasons afar off, either for the general or particular. For the general, because nothing is more evident then that, which one of the *Romans* said of *Peloponnesus*, *Testudo intra tegumen tuta est. The Tortoise is safe within her shell*: But if she put forth any part of her Body, then it endangereth not only the part is so put forth, but all the rest. And so we see in *Armour*, if any part be left naked, it puts in hazard the whole Person. And in the *Natural Body* of *Man*, if there be any weak or affected part, it is enough to draw Rheums or Malign *Humours* unto it, to the Interruption of the *Health* of the *whole Body*.

And for the *Particular*, the Example is too fresh, that the indisposition of that *Kingdom*, hath been a continual Attractive of Troubles and Infestations upon this *Estate*; and though *your Majesties* Greatness doth in some sort discharge this Fear, yet with your encrease of *Power* it cannot be, but *Envy* is likewise encreased.

The fourth and last Consequence is the great *Profit* and *Strength* which is like to redound to your *Crown*, by the working upon this unpolished Part thereof: Whereof, *your Majesty*, (being in the strength

of

of your years) are like, by the good pleasure of *Almighty God* to receive more then the First Fruits; And your *Posterity* a growing and springing Vein of Riches and Power. For this *Island* being another *Britain*; As *Britain* was said to be another *World*; is endowed with so many *Dowries* of *Nature*, (considering the *Fruitfulness* of the Soil, the *Ports*, the *Rivers*, the *Fishings*, the *Quarries*, the *Woods*, and other *Materials*: And specially the *Race* and *Generation* of *Men*, valiant, hard, and active) As it is not easie, no not upon the *Continent*, to find such Confluence of Commodities, if the Hand of *Man* did joyn with the Hand of *Nature*. So then for the *Excellency* of the work, in the point of *Honour*, *Policy*, *Safety*, and *Utility*, here I cease. For the Means to effect this Work; I know your *Majesty* shall not want the Information of Persons expert and industrious, which have served you there, and know the *Region*: Nor the Advise of a Grave and Prudent *Counsel* here; which know the Pulses of the Hearts of People, and the ways and Passages of conducting great Actions: Besides that, which is above all; that *Fountain* of Wisdom and Universality which is in your self: yet notwithstanding in a thing of so publick a Nature, it is not amiss for your *Majesty* to hear variety of Opinion. For as *Demosthenes* saith well: *The good Fortune, of a Prince, or State, doth sometimes put a good Motion into a Fools Mouth.* I do think therefore the Means of accomplishing this Work consisteth of two principal Parts. The first, the *Invitation* and *Encouragement* of Undertakers: The second, the *Order* and *Policy* of the *Project* it self. For as in all *Engines* of the *Hand*, there is somewhat that giveth the Motion and Force, and the rest serveth to guide and govern the same: So is it in these *Enterprises*, or *Engines* of Estate. As for the former of these, there is no doubt, but next unto the *Providence* and *Finger* of *God*, which writeth these Vertuous and Excellent Desires in the Tables of your *Majesties* Heart, your *Authority* and your *Affection*, is *Primus Motor*, in this Cause: And therefore the more strongly, and fully your *Majesty* shall declare your self in it, the more shall you quicken and animate the whole proceeding. For this is an *Action*, which as the worthiness of it doth bear it, so the Nature of it requireth it, to be carried in some *Height* of *Reputation*; And fit in mine Opinion, for *Pulpits*, and *Parliaments*, and all places to ring and resound of it. For that, which may seem Vanity in some Things; (I mean, *Matter* of *Fame*) is of great efficacy in this Case.

Consideration touching the Plantations *in* Ireland.

But now let me descend to the inferiour *Spheares*, and speak what Cooperation in the Subjects, or Undertakers may be raised and kindled, and by what *Means*. Therefore to take plain Grounds which are the surest; All *Men* are drawn into *Actions* by three Things, *Pleasure*, *Honour*, *Profit*. But before I pursue the three *Motives*, it is fit in this place to enterlace a word or two of the *Quality* of the *Undertakers*; wherein my Opinion simply is, that if your *Majesty* shall make these *Portions* of *Land*, which are to be Planted, as Rewards, or as Suits, or as Fortunes for those that are in want; And are likest to seek after them; That they will not be able to go through with the Charge of good substantial *Plantations*: But will *Deficere in Opere medio*; And then this *Work* will succeed, as *Tacitus* saith; *Acribus initiis, Fine incurioso.* So that this must rather be an *Adventure* for such as are full, then a *setting up* of those that are low of Means; For those Men are fit indeed to perform these *Undertakings*; Which were fit to purchase dry *Reversions*

Considerations touching the Plantations *in* Ireland.

sons after *Lives* or *Years*; Or such as were fit to put out *Mony* upon long *Returns*.

I do not say, but that I think the *Undertakers* themselves will be glad to have some *Captains*, or *Men* of *Service* intermixed among them for their safety; But I speak of the Generality of *Undertakers*, which I wish were *Men* of *Estate* and *Plenty*.

Now therefore, it followeth well to speak of the aforesaid three *Motives*; For it will appear the more, how necessary it is to allure by all means *Undertakers*; Since those Men will be least fit which are like to be most in Appetite of themselves; And those most fit, which are like least to desire it.

First therefore, for *Pleasure* in this *Region* or *Tract* of *Soyl*, there is no *Warm Winters*, nor *Orenge Trees*, nor strange *Beasts*, or *Birds*, or other Points of *Curiosity* or *Pleasure*, as there are in the *Indies* and the like; So as there can be found no Foundation, made upon matter of *Pleasure*, otherwise, then that the very desire of *Novelty* and *Experiment* in some *stirring Natures*, may work somewhat; And therefore it is the other two Points of *Honour* and *Profit*, whereupon we are wholly to rest.

For *Honour* or *Countenance*, if I shall mention to your *Majesty*, whether in wisdom you shall think convenient, the better to express your Affection to the *Enterprise*, and for a Pledge thereof, to add the *Earldom* of *Ulster* to the *Princes Titles*; I shall but learn it out of the practise of *King Edward* the First, who first used the like course, as a mean, the better to restrain the *Country* of *Wales*: And I take it, the *Prince* of *Spain* hath the Addition of a *Province* in the *Kingdom* of *Naples*; And other *Presidents* I think there are, and it is like to put more life and encouragement into the *Undertakers*.

Also considering the large *Territories* which are to be Planted, it is not unlike your *Majesty* will think of raising some *Nobility* there; which if it be done meerly upon new *Titles* of *Dignity*, having no manner of Reference to the Old; And if it be done also, without putting too many *Portions* into one *Hand*; And lastly, if it be done without any great *Franchises* or *Commands*; I do not see any Peril can ensue thereof: As on the other side, it my draw some *Persons* of great *Estate* and *Means* into the Action, to the great Furtherance and Supply of the charges thereof.

And lastly for *Knighthood*, to such Persons as have not attained it; Or otherwise, *Knighthood* with some new Difference and Precedence; It may no doubt work with many. And if any Man think that these things which I propound, are *Aliquid nimis*, for the *Proportion* of this *Action*; I confess plainly, that if your *Majesty* will have it really and effectually performed; My Opinion is, you cannot bestow too much *Sunshine* upon it. For *Lunæ Radiis non matureſcit Botrus*. Thus much for *Honour*.

For *Profit*, it will consist in Three parts.

First, the *Ease Rates* that your *Majesty* shall be pleased to give the *Undertakers* of the *Land*, they shall receive.

Secondly, the *Liberties* which you may be pleased to confer upon them. When I speak of *Liberties*, I mean not *Liberties* of *Jurisdiction* As *Counties Palatine* or the like: (which it seemeth hath been the Errour of the ancient *Donations* and *Plantations* in that *Country*;) But I mean only *Liberties* tending to *Commodity*: As *Liberty* to transport any

of

of the *Commodities* growing upon the *Country*, new *Planted*; *Liberty* to *Import* from hence all things appertaining to their neceſſary uſe, *Cuſtom-free*; Liberty to take *Timber* or other *Materials* in your *Majeſties Woods* there, and the like.

Conſiderations touching the Plantations *in* Ireland.

The third is, *Eaſe* of *Charge*; That the whole *Miſs* of *Charge* doth not reſt upon the private Purſe of the Undertakers.

For the two former of theſe, I will paſs them over; becauſe in that Project, which with good diligence and providence hath been preſented to your *Majeſty* by your *Miniſters* of that *Kingdome*; they are in my Opinion well handled.

For the third I will never deſpair, but that the *Parliament* of *England*, if it may perceive, that this *Action* is not a *Fluſh*, but a *Solid* and *ſetled purſuit*, will give Aid to a *Work* ſo *Religious*, ſo *Politick*, and ſo *Profitable*. And the diſtribution of Charge, (if it be obſerved,) falleth naturally into three Kindes of *Charge*, and every of thoſe *Charges* reſpectively ought to have his proper *Fountain* and *Iſſue*. For as there proceedeth from your *Majeſties Royal Bounty* and *Munificence*, the *Gift* of the *Land*, and the other *Materials*, together with the *Endowment* of *Liberties*: And as the *Charge* which is *Private*; As *Building* of *Houſes*, *Stocking* of *Grounds*, *Victual* and the like, is to reſt upon the *particular Undertakers*. So whatſoever is *Publick*; As *Building* of *Churches*, *Walling* of *Towns*, *Town-Houſes*, *Bridges*, *Cawſies*, or *High-ways*, and the like, ought not ſo properly to lye upon particular *Perſons*, but to come from the *Publick Eſtate* of this *Kingdom*; To which this Work is like to return ſo great an Addition of *Glory*, *ſtrenth*, and *Commodity*.

For the *Project* it ſelf, I ſhall need to ſpeak the leſs, in regard it is ſo conſiderately digeſted already, for the *County* of *Tyrone*; And therefore my Labour ſhall be but in thoſe things wherein I ſhall either Add to, or Diſſent from that which is ſet down; Which will include Five *Points* or *Articles*. Firſt, they mention a *Commiſſion* for this *Plantation*, which of all things is moſt neceſſary, both to *Direct*, and *Appeaſe Controverſies*, and the like.

To this I add two *Propoſitions*. The one, that which perhaps is meant though not expreſſed, That the *Commiſſioners* ſhould for certain times reſide, and abide in ſome Habitable *Town* of *Ireland*, near in diſtance to the Country where the Plantation ſhall be; To the end; Both that they may be more at Hand, for the Execution of the *Parts* of their *Commiſſion*; And withal, it is like by drawing *Concourſe* of *People* and *Trades-Men*, to ſuch *Towns*, it will be ſome Help, and Commodity to the *Undertakers* for things they ſhall ſtand in need of. And likewiſe, it will be a more ſafe place of Receit and Store, wherein to Unlade and Depoſite ſuch Proviſions as are after to be employed.

The Second is, that your *Majeſty* would make a *Correſpondency* between the *Commiſſion* there, and a *Councel* of *Plantation* here. Wherein I warrant my ſelf, by the *Preſident* of the like *Councel* of *Plantation* for *Virginia*; An enterpriſe in my Opinion differing as much from this, as *Amadis de Gaule* differs from *Cæſars Commentaries*. But when I ſpeak of a *Councel* of *Plantation*, I mean ſome *Perſons* choſen by way of *Reference*: Upon whom the *Labour* may reſt; To prepare and report things to the *Counſel* of *Eſtate* here, that concern that *Buſineſs*. For although your *Majeſty* have a grave and ſufficient *Councel* in *Ireland*; From whom, and upon whom, the *Commiſſioners* are to have Aſſiſtance and Dependance;

Considerations touching the Plantation *in* Ireland.

yet that ſupplies not thepurpoſe whereof I ſpeak. For conſidering, that upon the *Advertiſements* as well of the *Commiſſioners*, as of the *Councel* of *Ireland* it ſelf; There will be many Occaſions to crave directions from your *Majeſty*, and your *Privy Councel* here, which are buſied with a world of Affairs; It cannot but give greater *Expedition*, and ſome better *Perfection* unto ſome *Directions* and *Reſolutions*, if the *Matters* may be conſidered of afore hand, by ſuch, as may have a contiuall Care, of the Cauſe. And it will be, likewiſe a *Comfort*, and *Satiſaction* to ſome *Principal Undertakers*, if they may be admitted of that *Councel*.

Secondl, there is a *Clauſe* wherein the *Undertakers* are reſtrained, that they ſhall execute the *Plantation* in *Perſon*; from which I muſt diſſent, if I well conſent with the Grounds I have already taken. For it is not probable that Men of great *Means* and plentiful *Eſtates* will indure the *Travail*, *Diſeaſments*, and *Adventures* of going thither in *Perſon*; But rather I ſuppoſe, many will undertake *Portions* as an *Advancement* for their *younger Children* or *Kinſfolks*; Or for the ſweetneſs of the *Expectation* of a great *Bargain* in the end, when it is overcome. And therefore, it is like they will imploy *Sons*, *Kinſfolks*, *Servants*, or *Tenants*, and yet be glad to have the *Eſtate* in themſelves. And it may be ſome again will joyn their *Purſes* together, and make as it were a *Partner-ſhip* or *Joint-Adventure*; And yet man forth ſome one Perſon, by conſent, for the Executing of the *Plantation*.

Thirdly, there is a *Main point*, wherein I fear the *Project* made, hath too much of the Line and Compaſs, and will not be ſo natural and eaſie to Execute, nor yet ſo Politick and Convenient: And that is, that the Buildings ſhould be *Sparſim*, upon every *Portion*; And the *Caſtle* or *Principal Houſe*, ſhould draw the *Tenements* and *Farmes* about it, as it were into *Villages*, *Hamlets*, or *Endſhips*; And that there ſhould be only Four *Corporate Towns* for the *Artificers* and *Trades-men*.

My Opinion is, that the Building be altogether in *Towns*, to be compounded as well of *Husbandries* as of *Arts*. My *Reaſons* are.

Firſt, when *Men* come into a *Country*, *Vaſt*, and Void of all Things neceſſary for the uſe of *Mans Life*; If they ſet up together in a Place, one of them will the better ſupply the wants of the other. *Work-Folkes* of all ſorts will be the more continually on work without loſs of time; When, if Work fail in one place, they may have it faſt by: The *Wages* will be made more paſſible for carriages to thoſe *Seats* or *Towns*, then they can be to a number of diſperſed Solitary places; And infinite other helps and eaſements ſcarcely to be comprehended in Cogitation, will enſue in *Vicinity* and *Society* of *People*; Whereas, if they build ſcattered, (as is projected,) every man muſt have a *Cornu-Copia* in himſelf for all things he muſt uſe; Which cannot but breed much *Difficulty*, and no leſs *Waſt*.

Secondly, it will draw out of the *Inhabited Country* of *Ireland*, *Proviſions*, and *Victuals*, and many neceſſaries, becauſe they ſhall be ſure of Utterance; whereas in the diſperſed *Habitations*, every Man muſt reckon only upon that that he brings with him; as they do in *Proviſions* of *Ships*.

Thirdly, the Charge of *Bawnes*, as they call them, to be made about every *Caſtle* or *Houſe* may be ſpared, when the *Habitations* ſhall be *congregated* only into *Towns*.

And laſtly, it will be a means to ſecure the *Country* againſt future *Perils*, in caſe of any *Revolt* and *Defection*. For by a ſlight *Fortification* of

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no great charge. the danger of any *Attempts* of *Kierns* and *Swordmen* may be prevented. The *omission* of which *point*, in the last *Plantatio* of *Munster*, made the work of *years* to be but the spoil of *dayes*. And if any man think it will draw *people* to far off from the Grounds they are to labour; It is to be understood, that the number of the *Towns* be encreased accordingly, And likewise, the *Situation* of them be as in the *Center* in respect of the *Portions* assigned to them. For in the *Champian Countries* of *England*, where the *Habitation* useth to be in *Towns*, and not dispersed, it is no new thing to go two Miles off to plow part of their *Grounds*: And two *Miles compass* will take up a good deal of *Country*.

Considerations touching the Plantations *in* Ireland.

The fourth *Point*, is a *Point* wherein I shall differ from the *Project*, rather in *Quantity* and *Proportion* then in *Matter*. There is allowed to the *undertaker*, within the five years of Restraint, to alien a third part in *Fee Farm*, and to demise another for *fourty years*, which I fear will mangle the *Portions*, and will be but a shift to make mony of two parts: Whereas I am of Opinion, the more the first undertaker is forced to keep in his own hands, the more the work is like to prosper. For first, the *Person* liable to the *State* here to perform the *Plantation*, is the Immediate *Undertaker*. Secondly, the more his *profit* dependeth upon the *Annual* and *Springing Commodity*, the more sweetness he will find in putting forward *Manurance* and *Husbanding of the Grounds*: And therefore is like to take more care of it. Thirdly, since the *Natives* are excluded, I do not see that any persons are like to be drawn over, of that *Condition*, as are like to give *Fines*, and undertake the *charge* of *Building*: For I am perswaded that the *people transported* will consist of *Gentlemen* and their *Servants*; And of Labourers and Hindes, and not of Yeomen, of any wealth; And therefore the *Charge* of *Building*, as well of the *Tenements* and *Farmes* as of the *Capital Houses*, themselves, is like to rest upon the *Principal Undertakers*, which will be recompenced in the end to the full, and with much advantage, if they make no long *Estates* or *Leases*.

And therefore this *Article* to receive some *Qualification*.

Fifthly, I should think it requisite that *Men* of *Experience* in that *Kingdome*, should enter into some particular Consideration, of the *Charges* and Provisions of all kinds that will be incident to the *Plantation*; To the end, that thereupon some advise may be taken for the Furnishing and Accommodating them most conveniently, Aiding private Industry with publick Care and Order.

Thus I have expressed to your *Majesty* those simple and weak Cogitations, which I have had in my self touching this *Cause*; Wherein I most humby desire your pardon, and gracious acceptance of my good Affection and Intention. For I hold it for a *Rule*, that there belongeth to great *Monarchs*, from Faithful Servants, not only the *Tribute* of *Duty*, but the *Oblations* of *cheerfulness* of *Heart*. And so I pray the *Almighty* to bless this great *Action*, with your *Majesties Care*; and your *Care* with *Happy Success*.

ADVICE
TO THE
KING,
TOUCHING
Mr. Suttons ESTATE.

May it please your MAJESTY,

I Find it a Positive *precept* of the *Old Law*; *That there should be no Sacrifice without Salt.* The *Moral* whereof (besides the *Ceremony*) may be; That *God* is not pleased with the *Body* of a good *Intention*; Except it be seasoned with that *Spiritual Wisdom* and *Judgment*, as it be not easily subject to be corrupted and perverted. For *Salt*, in the *Scripture*, is a *Figure* both of *Wisdom* and *Lasting*. This cometh into my Mind, upon this Act of Mr. *Sutton*; which seemeth to me as a *Sacrifice without Salt*; having the *Materials* of a *good Intention*, but not powdred with any such Ordinances and Institutions, as may preserve the same from turning *Corrupt*: Or at least from becoming *Unsavoury*, and of little *Use*. For though the Choice of the *Feoffees* be of the best; yet neither can they always live: And the very Nature of the Work it self, in the vast and unfit Proportions thereof, being apt to provoke a Mis-imployment; It is no Diligence of theirs, (except there be a *Digression* from that *Model*) that can excuse it from running the same way, that *Gifts* of like Condition have heretofore done. For to design the *Charter-house*, a *Building* fit for a *Princes Habitation*, for an *Hospital*; is all one, as if one should give in Alms, a *Rich Embroydered Cloak* to a *Beggar*. And certainly a Man may see, *Tanquam quæ Oculis Cernuntur*, that if such an *Edifice*, with *Six thousand pounds*

pounds Revenue, be erected into one *Hospital*; it will in small time degenerate, to be made a preferment of some great *Person* to be *Master*, and he to take all the sweet, and the Poor to be stinted, and take but the *Crums*: As it comes to pass in divers *Hospitals* of this *Realm*; which have but the Names of *Hospitals*, and are but wealthy *Benefices*, in respect of the *Mastership*: But the *Poor*, which is the *Propter quid*, little relieved. And the like hath been the Fortune of much of the *Alms* of the *Roman Religion* in the *Great Foundations*; which being begun in Vain Glory and Ostentation, have had their Judgment upon them, to end in Corruption and Abuse. This *Meditation* hath made me presume to write these few Lines to your *Majesty*; Being no better then good Wishes, which your *Majesties* great *Wisdom* may make some thing, or nothing of.

Advice to the King touching Mr. Suttons Estate.

Wherein I desire to be thus understood; that if this *Foundation* (such as it is) be perfect and *good* in *Law*; Then I am too well acquainted with your *Majesties* Disposition, to advise any course of power or profit that is not grounded upon a Right: Nay further, if the *Defects* be such, as a *Court* of *Equity* may Remedy and Cure; Then I wish that as Saint *Peters Jeador* did cure *Diseases*; So the very shadow of a Good Intention may cure Defects of that Nature. But if there be a Right, and Birth-right planted in the *Heir*; and not Remediable by *Courts* of *Equity*; and that right be submitted to your *Majesty*; whereby it is both in your power and Grace what to do; Then do I wish that this rude *Mass* and *Chaos* of a *Good Deed*, were directed rather to a *Solid Merit*, and *Durable Charity*, then to a *Blaze* of *Glory* that will but crackle a little in Talk, and quickly extinguish.

And this may be done observing the *Species* of Mr. *Suttons* intent, though varying in *Individuo*. For it appears that he had in Notion a Triple Good; An *Hospital*; And a *School*; And *Maintaining* of a *Preacher*; Which *Individuals* refer to these Three General Heads. *Relief of Poor*; *Advancement of Learning*; And *Propagation of Religion*. Now then, if I shall set before your *Majesty*, in every of these Three Kinds what it is that is most wanting in your *Kingdom*; and what is like to be the most Fruitful and Effectual use of such a *Beneficence*, and least like to be perverted: That I think shall be no ill Scope of my Labour, how meanly soever performed; For out of *Variety* represented, *Election* may be best grounded.

Concerning the Relief of the *Poor*; I hold some *Number* of *Hospitals*, with Competent Endowments, will do far more good then one *Hospital* of an *Exorbitant Greatness*. For though the one Course will be the more *Seen*, yet the other will be the more *Felt*. For if your *Majesty* erect many, besides the observing the *Ordinary Maxim*; *Bonum, quo communius, eo melius*, choice may be made of those *Towns* and *Places*, where there is most Need; And so the Remedy may be *Distributed*, as the *Disease* is Dispersed. Again, *Greatness* of *Relief* accumulate in one place, doth rather invite a Swarm and Surcharge of *Poor*, then relieve those that are naturally bred in that place: Like to ill tempred *Medicines*, that draw more Humour to the Part, then they Evacuate from it. But chiefly I relye upon the Reason that I touched in the Beginning; That in these *great Hospitals*, the *Revenues* will draw the *Use*, and not the *Use* the *Revenues*; And so through the *Mass* of the *Wealth*, they will swiftly tumble down to a Mis-imployment. And if any *Man* say, that in the Two

Advice to the King touching Mr. Suttons Estate.

Two *Hospitals* in *London*, there is a *President* of *Greatness* concurring with *good Employment*; Let him consider that those *Hospitals* have *Annual Governours*; That they are under the Superiour Care and Policy of such a state, as the City of *London*; And chiefly, that their *Revenues* consist not upon *Certainties*, but upon *Casualties* and *Free gifts*; Which Gifts would be with-held, if they appeared once to be perverted: So as it keepeth them in a continual good Behaviour and Awe, to employ them aright: None of which Points do match with the present *Case*.

The next *consideration* may be, whether this intended *Hospital*, as it hath a more ample *Endowment* then other *Hospitals* have, should not likewise work upon a better Subject then other *Poor*: As that it should be converted to the Relief of *Maimed Souldiers*, *Decayed Merchants*, *Householders Aged*, and *Destitute Church-men*, and the like; Whose Condition being of a better sort then loose *People* and *Beggars*, deserveth both a more *Liberal Stipend* and *Allowance*, and some proper place of Relief, not intermingled or coupled with the Basest sort of *Poor*: which Project, though Specious, yet in my Judgment, will not answer the Designment in the Event in these our Times. For certainly, few Men in any Vocation, which have been some Body, and bear a Mind somewhat according to the Conscience and Remembrance of that they have been, will ever descend to that Condition, as to profess to live upon *Alms*, and to become a Corporation of *declared Beggars*; But rather will chuse to live Obscurely, and as it were to hide themselves with some private Friends: So that the end of such an *Institution* will be, that it will make the place a *Receptacle* of the Worst, Idlest, and most dissolute Persons of every Profession; And to become a *Cell* of *Loyterers*, and *Cast Serving-men*, and *Drunkards*, with Scandal rather then Fruit to the *Commonwealth*. And of this kind I can find but one Example with us; Which is, the *Alms Knights* of *Windsor*; Which particular would give a Man small encouragement to follow that *President*.

Therefore the best effect of *Hospitals* is, to make the *Kingdom*, if it were possible, capable of that *Law*; *That there be no Beggar in Israel*. For it is that kind of People that is a burthen, an Eye-sore, a Scandal, and a Seed of Peril and Tumult in the *State*. But chiefly it were to be wished, that such a *Beneficence* towards the relief of the *Poor* were so bestowed; As not only the *Meer* and *Naked Poor* should be sustained; But also, that the *Honest person* which hath hard means to live, upon whom the *Poor* are now charged, should be in some sort eased. For that were a *Work* generally acceptable to the *Kingdom*, if the *Publick Hand* of *Alms* might spare the *Private Hand* of *Tax*. And therefore of all other Employments of that kind, I commend most *Houses* of *Relief* and *Correction*; which are *Mixt Hospitals* where the Impotent Person is relieved, and the Sturdy Beggar buckled to work; And the unable Person also not maintained to be Idle (which is ever joyned with *Drunkenness* and *Impurity*) But is sorted with such work as he can manage and perform; And where the uses are not distinguished, as in other *Hospitals*; Whereof some are for *Aged* and *Impotent*; and some for *Children*; And some for *Correction* of *Vagabonds*; But are general and promiscuous. So that they may take off *Poor* of every sort from the *Country*, as the *Country* breeds them. And thus the *Poor* themselves shall find the *Provision*, and other *People* the sweetness of the *Abatement* of the *Tax*. Now if it be objected, that Houses of Correction in all places have not done

done the good expected; (as it cannot be denied, but in most places they have done much good;) It must be remembred that there is a great Difference between that which is done by the Distracted Government of *Justices* of *Peace*; And that which may be done by a setled *Ordinance* subject to a *Regular Visitation*, as this may be: And besides, the Want hath been commonly in *Houses* of *Correction*, of a competent and certain *Stock*, for the *Materials* of the *labour*, which in this case may be likewise supplied.

Advice to the King touching Mr. Suttons *Estate.*

Concerning the *Advancement* of *Learning*, I do subscribe to the Opinion of one of the Wisest, and Greatest Men of your *Kingdom*. That for *Grammar Schools*, there are already too many; and therefore no Providence to add where there is Excess. For the great *Number* of *Schools* which are in your *Highness Realm*, doth cause a *Want*, and cause likewise an *Overflow*; Both of them Inconvenient, and one of them Dangerous. For by means thereof they find *Want* in the *Countrey* and *Towns*, both of *Servants* for *Husbandry*, and *Apprentices* for *Trade*; And on the other side, there being more *Scholars* bred, then the *State* can prefer and employ; And the Active part of that life not bearing a proportion to the *Preparative*; It must needs fall out, that many Persons will be bred unfit for other *Vocations*; And unprofitable for that in which they are brought up; Which fills the *Realm* full of *Indigent*, *Idle*, and *Wanton* People, which are but *Materia Rerum novarum*.

Therefore, in this Point, I wish Mr. *Suttons Intention* were exalted a Degree; That that which he meant for Teachers of *Children*, your *Majesty* should make for Teachers of *Men*; wherein it hath been my ancient Opinion and Observation; That in the *Universities* of this *Realm*, (which I take to be of the best endowed *Universities* of *Europe*) there is nothing more wanting towards the flourishing *State* of *Learning*, then the Honourable and plentiful *Salaries* of *Readers* in Arts and Professions In which Point, as your *Majesties* Bounty already hath made a Beginning; So this occasion is offered of *God* to make a Proceeding. Surely, *Readers* in the *Chair*, are as the *Parents* in *Sciences*, and deserve to enjoy a Condition not inferiour to their *Children* that embrace the *Practical* Part. Else no Man will *sit* longer in the *Chair*, then till he can *walk* to a better preferment: And it will come to pass as *Virgil* saith,

Et Patrum invalidi referent Jejunia Nati.

For if the Principal *Readers*, through the Meanness of their Entertainment, be but Men of superficial *Learning*; And that they shall take their place but in passage; it will make the *Mass* of *Sciences* want the chief and solid Dimension, which is *Depth*; and to become but Pretty and compendious *Habits* of Practice. Therefore I could wish that in both the *Universities*, the *Lectures*, as well of the three *Professions*, *Divinity*, *Law*, *Physick*; As of the three *Heads* of *Science*, *Philosophy*, *Arts* of *Speech*, and the *Mathematicks*, were raised in their Pensions unto a 100 *l.* *per Annum* a piece; Which though it be not near so great, as they are in some other Places, where the Greatness of the Reward doth whistle for the Ablest Men out of all *Foreign parts* to supply the *Chair*: yet it may be a Portion to content a *Worthy* and *Able* Man; if he be likewise *Contemplative* in *Nature*; as those *Spirits* are, that are Fittest for *Lectures*. Thus may *Learning*, in your *Kingdom*, be advanced to a further

Advice to the King touching Mr. Suttons Estate.

ther *Heigth*; *Learning* (I say) which under your *Majesty*, the most *Learned* of *Kings*, may claim some Degree of *Elevation*.

Concerning *Propagation* of *Religion*, I shall in few words set before your *Majesty* three *Propositions*; None of them Devices of mine own, otherwise then that I ever approved them: Two of which have been in Agitation of Speech, and the Third acted.

The first is, a *Colledge* for *Controversies*; Whereby we shall not still proceed Single, but shall, as it were double our *Files*; Which certainly will be found in the Encounter.

The second is, a Receipt, (I like not the word *Seminary*, in respect of the *Vain Vows, and implicite Obedience*, and other Things tending to the *perturbation* of States, involved in that Term;) for *Converts* to the *Reformed Religion*, either of Youth or otherwise; For I doubt not but here are in *Spain*, *Italy*, and other *Countries* of the *Papists*, many whose Hearts are touched with a sense of those Corruptions, and an acknowledgment of a better Way; which *Grace* is many times smothered and choaked, through a worldly Consideration of *Necessity* and want; Men not knowing where to have *Succour* and *Refuge*. This, likewise, I hold a Work of great *Piety*, and a Work of great *Consequence*; That we also may be *Wise* in our *Generation*; And that the Watchful and Silent Night may be used, as well for *sowing* of *good Seed*, as of *Tares*.

The third is, the *Imitation* of a Memorable and Religious Act of *Queen Elizabeth*; who finding a part of *Lancashire* to be extremely Backward in *Religion*; and the *Benefices* swallowed up in *Impropriations*, did by *Decree* in the *Dutchy*, erect four *stipends* of 100 *l. per Annum* a piece, for *Preachers*, well chosen to help the *Harvest*; which have done a great deal of Good in the Parts where they have laboured. Neither do there want other *Corners* in the *Realm*, that would require for a time the like *Extraordinary Help*.

Thus have I briefly delivered unto your *Majesty* mine Opinion, touching the Employment of this *Charity*: whereby that Mass of wealth, which was in the Owner, little better then a Stack or Heap of Muck, may be spread over your *Kingdom* to many fruitful purposes; your *Majesty planting* and *watering*, and *God giving the Encrease*.

A

PROPOSITION,

TO

His Majesty.

BY

Sir *FRANCIS BACON*, Knight.

HIS

MAJESTIES

ATTURNEY GENERAL;

AND

One of His *Privy Councel*; Touching the *Compiling* and *Amendment* of the *LAWS* of *ENGLAND*.

YOUR MAJESTY,

OF Your Favour having made me *Privy Counsellor*; And continuing me in the place of your *Atturney General*, (which is more then was these hundred years before,) I do not understand it to be, that by putting off the dealing in Causes between party and party, I should keep Holy-day the more: But that I should dedicate my time to your Service, with less distraction. Wherefore in this plentiful Accession of time which I have now gained, I take it to be my duty; Not only to speed your *Commandments* and the *Business* of my *place*, But to meditate, and to excogitate of my self, wherein I may best by my Travels, derive your *Vertues* to the good of your People, and return their Thanks and In-

A Propoſition touching the Compiling and Amendment of the Laws of England.

creaſe of Love to you again. And after I had thought of many things, I could find in my Judgment, none more proper for your *Majeſty* as a Maſter, nor for me as a Workman, then the *Reducing* and *Recompiling* of the *Laws* of *England*.

Your *Majeſty* is a *King* bleſſed with *Poſterity*; And theſe *Kings* ſort beſt with Acts of Perpetuity, when they do not leave them inſtead of Children, but tranſmit both *Line* and *Merit* to Future Generations. You are a great *Maſter* in *Juſtice* and *Judicature*, and it were pitty that the fruit of that Vertue ſhould dye with you. Your *Majeſty* alſo Raigneth in Learned Times; The more in regard of your own perfections and patronage of Learning; And it hath been the miſhap of *Works* of this *Nature*, that the leſs Learned Time hath wrought upon the more Learned; which now will not be ſo. As for my ſelf the Law is my profeſſion, to which I am a debter. Some little helps I may have of other Learning, which may give Form to matter; And your *Majeſty* hath ſet me in an eminent place, whereby in a *Work*, which muſt be the *Work* of many, I may the better have *Coadjutors*. Therefore not to hold your *Majeſty* with any long preface in that, which I concieve to be nothing leſs then Words; I will proceed to the Matter, which matter it ſelf, nevertheleſs requireth ſomewhat briefly to be ſaid, both of the Dignity, and likewiſe of the Safety and Convenience of this *Work*; And then to go to the main; That is to ſay, to ſhew how the *Work* is to be done: Which incidently alſo will beſt demonſtrate, that it is no vaſt nor ſpeculative thing, but a real and feizable. *Caliſthenes* that followed *Alexanders Court*, and was grown in ſome diſpleaſure with him; Becauſe he could not well brook the *Perſian Adoration*; At a Supper, (which with the *Græcians*, was ever, a great part, *Talk*,) was deſired, becauſe he was an *Eloquent Man*, to ſpeak of ſome *Theam*; which he did, and choſe for his Theam, The praiſe of the *Macedonian Nation*; which though it were but a filling thing to praiſe men to their Faces, yet he did it with ſuch advantage of truth, and avoydance of Flattery, and with ſuch life; As the Hearers were ſo raviſhed with it, that they plucked the *Roſes* off from their *Garlands*, and threw them upon him, as the manner of Applauſes then was: *Alexander* was not pleaſed with it, and by way of Diſcountenance ſaid, *It was eaſie to be a good Oratour in a pleaſing Theam. But* (ſaith he to *Caliſthenes*) *turn your ſtile, and tell us now of our Faults, that we may have the profit, and not you only the praiſe.* Which he preſently did with ſuch a force, and ſo piquantly, that *Alexander* ſaid, *The goodneſs of his Theam had made him Eloquent before: But now it was the Malice of his heart that had inſpired him.*

1. *Sir*, I ſhall not fall into either of theſe two *Extremes*, Concerning the *Laws* of *England*: They commend themſelves, beſt to them that underſtand them; And your *Majeſties Chief Juſtice* of your *Bench*, hath in his writings magnified them not without cauſe: Certainly they are Wiſe, they are Juſt, and Moderate *Laws*; They give to *God*, They give to *Cæſar*, They give to the *Subjects*, that which appertaineth. It is true, They are as mixt as our *Language*, compounded of *Britiſh*, *Roman*, *Saxon*, *Daniſh*, *Norman*, Cuſtomes. And as our *Language* is ſo much the richer, ſo the *Laws* are the more compleat; Neither doth this attribute leſs to them, then thoſe that would have them, to have ſtood out the ſame, in in all *Mutations*; For no *Tree* is ſo good firſt ſet, as by *Tranſplanting*.

2. As

2. As for the ſecond *Extream*, I have nothing to do with it, by way of *Taxing* the *Laws*. I ſpeak only by way of *Perfitting* them, which is eaſieſt in the beſt things; For that which is far amiſs, hardly receiveth amendment, but that which hath already; To that, more may be *Given*. Beſides, what I ſhall propound, is not to the *Matter* of the *Laws*, but to the *Manner* of their *Regeſtry*, *Expreſſion*, and *Tradition*: So that it giveth them rather *Light*, than any new *Nature*. This being ſo, for the *Dignity* of the *Work*, I know ſcarcely where to find the like; For ſurely that *Scale*, and thoſe *Degrees* of *Soveraign Honour* are true, and rightly marſhalled. Firſt, the *Founders* of *Eſtates*, Then the *Law-givers*, Then the *Deliverers* and *Saviours*, after long Calamities; Then the *Fathers* of their *Countries*, which are Juſt and Prudent *Princes*; And laſtly Conquerors, which Honour, is not to be received amongſt the reſt; except it be where there is an addition of more Country and Territory to a better Government, then that was of the *Conquered*. Of theſe in my Judgment, your *Majeſty* may with more truth then flattery, be intituled to the firſt; becauſe of your *Uniting* of *Britain*, and *Planting Ireland*, both which ſavour of the *Founder*. That which I now propound to you, may adopt you alſo into the ſecond: *Law-givers* have been called *Principes Perpetui*, becauſe as Biſhop *Gardner* ſaid in a bad Senſe, that he would be *Biſhop* an hundred years after his death, in reſpect of the long *Leaſes* he made: So *Law-givers*, are ſtill *Kings* and *Rulers* after their *Deceaſe* in their *Laws*. But this *Work* ſhining ſo in it ſelf, needs no Taper. For the ſafety and convenience thereof, it is good to conſider, and to anſwer thoſe *Objections* or *Scruples* which may ariſe, or be made againſt this *Work*.

A Propoſition touching the Compiling and Amendment of the Laws of England.

Obj. 1. That it is a thing needleſs, And that the *Law* as it now is, is in good Eſtate, comparable to any *Foraign Law*; And that it is not poſſible for the wit of Man, in reſpect of the frailty thereof, to provide againſt the Incertainties, and Evaſions, or Omiſſions of *Law*.

Reſp. For the Compariſon with *Foraign Laws*, it is in vain to ſpeak of it, for men will never agree about it. Our *Lawyers* will maintain, for our *Municipal Laws*; *Civilians*, *Schollars*, *Travailers*, will be of the other Opinion.

But Certain it is, that our *Laws* as they now ſtand, are ſubject to great Incertainties, and variety of Opinion, Delays, and Evaſions; Whereof enſueth.

1. That the *Multiplicity* and length of Suites is great.

2. That the Contentious Perſon is armed, and the Honeſt Subject Wearied, and Oppreſſed.

3. That the *Judge* is more *Abſolute*, Who in doubtful Caſes hath a greater ſtroak and liberty.

4. That the *Chancery Courts* are more filled, the remedy of *Law*, being often obſcure and doubtful.

5. That the ignorant *Lawyer* ſhrowdeth his Ignorance of *Law*, in that doubts are ſo frequent and many.

6. That mens *Aſſurances* of their *Lands*, and *Eſtates*, by *Patents*, *Deeds*, *Wills*, are often ſubject to queſtion, and hollow; And many the like Inconveniencies.

It is a good Rule and Direction, (For that all *Laws*, *Secundum Majis & Minus*, do participate of Incertainties,) That followeth: Mark

A Propositi- touching the Compiling and Amendment of the Laws of England.

whether the Doubts that arise, are only in Cases of Ordinary Experience, or, which happen not every day? If in the first, only impute it to frailty of Mans foresight, that cannot reach by *Law* to all *Cases*; But if in the Latter; be assured there is a fault in the Law. Of this I say no more but that (To give every Man his Due) had it not been for Sir *Edward Cooks Reports* (which though they may have Errors, and some peremptory and Extrajudicial Resolutions, more then are warranted: Yet they contain infinite good *Decisions* and *Rulings* over, of *Cases*.)

The *Law* by this Time, had been almost like a Ship without ballast; For that the *Cases* of Modern Experience are fled from those that are adjudged and ruled in Former time. But the Necessity of this *Work* is yet greater in the *Statute Law*. For first, There are a number of *Ensnaring Penal Laws* which lay upon the *Subject*; And if in bad times they should be awaked and put in Execution, would grind them to powder.

There is a learned *Civilian*, that expoundeth the *Curse* of the *Prophet*: *Pluet super eos Laqueos*, of Multitude of *Penal Laws*: which are worse then showrs of Hail, or Tempest upon Cattel; for they fall upon *Men*.

There are some *Penal Laws* fit to be retained, but their *Penalty* too great and it is ever a Rule, that any over great *Penalty* (besides the *Acerbity* of it) deads the Execution of the *Law*.

There is a further Inconvenience of *Penal Laws*, *Obsolete*, and out of *Use*; For that it brings a *Gangreen*, *Neglect*, and *Habite Disobedience* upon other wholsom *Laws*, that are fit to be continued in *Practise* and and *Execution*: So that our *Laws* endure the Torment of *Mezentius*.

The living die in the Arms of the Dead.

Lastly, There is such an *Accumulation* of *Statutes* concerning one matter; And they so cross and intricate, as the *certainty* of *Law* is lost in the *Heap*; As your *Majesty* had Experience last day upon the *Point*: Whether the *Incendiary* of *New-Market* should have the benefit of his *Clergie*.

Obj. 1. That it is a great *Innovation*; And *Innovations* are dangerous beyond foresight.

Resp. All *Purgings* and *Medicines*, either in the *Civil* or *Natural* Body, are Innovations. So as that *Argument* is a Common place against all *Noble Reformations*. But the troth is, that this work ought not to be termed, or held for any Innovation in the suspected sense. For those are the Innovations which are quarrelled and spoken against, that concern the Consciences, Estates, and Fortunes of particular persons: But this of General Ordinance pricketh not particulars, but passeth *Sine Strepitu*. Besides, it is on the favourable part: For it easeth, it presseth not. And lastly, it is rather matter of *Order* and Explanation, then of Alteration. Neither is this without President in former *Governments*.

The *Romans* by their *Decemvirs*, did make their *Twelve Tables*; But that was indeed a new *Enacting* or *Constituting* of *Laws*, not a *Registring* or *Recompiling*: And they were made out of the *Laws* of the *Grecians*, not out of their own *Customs*.

In *Athens* they had *Sexviri*, which were standing *Commissioners* to watch,

watch, and to discern what *Laws* waxed unproper for the *Time*; And what new *Law* did in any branch cross a former *Law*, and so, *Ex Officio*, propounded their Repeals.

A Proposition touching the Compiling and Amendment of the Laws of England.

King Lewis, the 11th of *France*, had it in his intention to have made one perfite and uniform *Law*, out of the *Civil Law Roman*, and the *Provincial Customs* of *France*.

Justinian the *Emperour*, by Commissions directed to divers persons, Learned in the *Laws*, reduced the *Roman Laws* from vastness of Volume, and a *Labyrinth* of incertainties, unto that course of the *Civil Law* which is now in use. I find here at home of late years, that *King Henry* the Eighth, in the Twenty Seventh of his *Reign*, was authorized by Parliament, to nominate Thirty two *Commissioners*, part Ecclesiastical, part Temporal, to purge the *Canon Law*, and to make it agreeable to the Law of *God*, and the Law of the Realm; and the same was revived in the Fourth year of *Edward* the Sixth, though neither took effect.

For the Laws of *Lycurgus*, *Solon*, *Minos*, and others of ancient time, they are not the worse, because *Grammar Schollars* speak of them. But things too ancient, wax Children with us again.

Edgar the *Saxon King*, collected the Laws of this *Kingdom*, and gave them the strength of a Faggot bound, which formerly were dispersed.

The *Statutes* of *King Edward* the First, were Fundamental; But I doubt I erre in producing so many Examples, For as *Cicero* saith to *Cæsar*, so may I say to your *Majesty*:

Nil Vulgare te Dignum Videri possit.

Obj. 3. In this purging of the course of *Commons Laws* and *Statutes*, much good may be taken away.

Resp. In all Purging, some good *Humours* may pass away; But that is largely recompensed, by Lightning the Body of much bad.

Obj. 4. Labour were better bestowed in bringing the *Common Laws* of *England*, to a *Text Law*, as the *Statutes* are; and setting both of them down in Method, and by Titles.

Resp. It is two long a Business to debate, whether *Lex Scripta*, *aut non Scripta*, A *Text Law*, or Customs well registred, with received and approved *Grounds* and *Maxims*, and Acts and Resolutions Judicial, from Time to Time duely entred and reported; Be the better Form of Declaring and Authorizing Laws: It was the principal Reason, or *Oracle* of *Lycurgus*; That none of his *Laws* should be written. *Customs*, are *Laws* written in *Living Tables*: And some *Traditions* the *Church* doth not disauthorize. In all Sciences, they are the soundest that keep close to *Particulars*; And sure I am, there are more Doubts that rise upon our *Statutes*, which are a *Text Law*, then upon the *Common Law*, which is no *Text Law*. But howsoever that question be determined, I dare not advise to cast the *Law* into a new *Mould*. The work, which I propound, tendeth to Proyning and Grafting the *Law*; And not to *Plow up* and *Planting it again*; for such a Remove, I should hold indeed for a perillous *Innovation*.

Ob. 5. It will turn the *Judges*, *Counsellors of Law*, and *Students of Law* to School again; And make them to seek what they shall hold and advise for *Law*; And it will impose a new charge upon all *Lawyers*

A Propoſition touching the Compiling and Amendment of the Laws of England.

Lawyers to furniſh themſelves with new Books of *Law*.

Reſp. For the Former of thoſe, touching the new Labour; It is true it would follow, if the *Law* were new moulded into a *Text Law*; For then Men muſt be new to begin: And that is one of the Reaſons for which I diſallow that Courſe.

But in the way that I ſhall now propound, the *entire Body*, and Subſtance of *Law* ſhall remain; Only diſcharged of Idle and Unprofitable, or Hurtful Matter: and Illuſtrated by Order and other Helps, towards the better Underſtanding of it, and Judgment thereupon.

For the Latter, touching the *new charge*, it is not worth the ſpeaking of in a matter of ſo high importance; It might have been uſed of the *New Tranſlation* of the *Bible*, and ſuch like *Works*. *Books* muſt follow *Sciences*, and not *Sciences Books*.

The Work *it Self*; *And the* Way *to* Reduce, *And* Recompile *the* Laws *of* England.

THIS Work is to be done (to uſe ſome few words, which is the *Language* of *Action* and *Effect*) in this manner.

It conſiſteth of two parts: The *Digeſt*, or *Recompiling* of the *Common Laws*: And that of the *Statutes*.

In the firſt of theſe, Three Things are to be done.

1. The *Compiling* of a *Book*, De *Antiquitatibus Juris*.

2. The *Reducing*, or *Perfecting* of the *Courſe* or *Corps* of the *Common Laws*.

3. The Compoſing of certain *Introductive* and *Auxiliary Books*, touching the Study of the *Laws*.

For the firſt of theſe. All *Ancient Records* in your *Tower*, or elſe where, Containing Acts of *Parliament*, *Lords Patents*, *Commiſſions*, and *Judgments*, and the like, are to be Searched, Peruſed and Weighed. And out of theſe are to be ſelected, thoſe that are of moſt Worth and Weight; And in order of *Time*; not of *Titles*, (for the more *Conformity* with the *Year-Books*) to be ſet down and Regiſtred; Rarely, in *hæc Verba*; but ſummed with Judgment, not omitting any material part: Theſe are to be uſed for *Reverend Preſidents*, but not for *binding Authorities*.

For the Second, which is the Main; There is to be made a perfect courſe of the *Law*, in *Serie Temporis*, or *Year-Books* (as we call them) from *Edward* the Firſt to this day; In the *Compiling* of this courſe of *Law*, or *Year-Books*, the points following are to be obſerved.

Firſt, All *Caſes* which are at this Day clearly no Law; but conſtantly ruled to the contrary, are to be left out; They do but fill the *Volumes*, and ſeaſon the Wits of *Students* in a contrary ſenſe of *Law*. And ſo likewiſe all *Caſes*, wherein that is ſolemnly and long debated, whereof there is now no Queſtion at all, are to be entred, as *Judgments* only and *Reſolutions*; But without the *Arguments* which are now become but frivolous: Yet for the Obſervation of the deeper ſort of *Lawyers*, that they may ſee how the *Law* hath altered, out of which they

they may pick ſometimes good uſe; I do adviſe, That upon the firſt in time of thoſe *Obſolete Caſes*, there were a *Memorandum* ſet; That at that time the Law was thus taken untill ſuch a time, *&c.*

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Secondly, *Homonymiæ* (as *Juſtinian* calleth them) That is *Caſes meerly* of *Iteration* and *Repetition*, are to be purged away: And the *Caſes* of *Identity*, which are beſt *Reported* and *Argued*, to be retained, inſtead of the Reſt; The *Judgments*, nevertheleſs to be ſet down, every one in time as they are; But with a Quotation, or Reference to the *Caſe* where the *Point* is argued at large; but if the Caſe conſiſt, part of *Repetition*, part of new *Matter*; the *Repetition* is only to be omitted.

Thirdly, As to the *Antinomiæ*, Caſes Judged to the contrary; it were too great a truſt to refer to the Judgment of the *Compoſers* of this *Work*, to decide the Law either way; except there be a current ſtream of Judgments of later times: and then I reckon the contrary Caſes, amongſt *Caſes Obſolete*; of which I have ſpoken before: Nevertheleſs this diligence would be uſed, that ſuch Caſes of Contradiction be ſpecially noted and collected; to the end, thoſe *Doubts* that have been ſo long *Militant*, may either by aſſembling all the *Judges* in the *Exchequer Chamber*, or by *Parliament* be put into certainty. For to do it by bringing them in queſtion under fained parties, is to be diſliked. *Nil habeat Forum ex ſcena.*

Fourthly, All *Idle Quæries*, which are but *Seminaries* of *Doubts* and *Incertainties*, are to be left out and omitted, and no *Quæries* ſet down but of great *Doubts*, well debated, and left undecided for difficulty: But no *doubting* or *upſtarting Quæries*: Which though they be touched in Argument for Explanation; yet were better to die, then to be put into the *Books*.

Laſtly, *Caſes Reported* with two great prolixity, would be drawn into a more Compendious Report: not in the Nature of an *Abridgement*, but *Tautologies* and Impertinences to be cut off: As for *Miſprinting* and *Inſenſible Reporting*, which many times confound the *Students* that will be, *Obiter*, amended; But more principally, if there be any thing in the *Report* which is not well warranted by the *Record*, that is alſo to be rectifyed; The courſe being thus compiled, then it reſteth, but for your *Majeſty* to appoint ſome grave and ſound Lawyers, with ſome honourable ſtipend, to be *Reporters* for the time to come; and then this is ſetled for all times.

This *Conſtitution* of *Reporters* I obtained of the *King*, after I was *Chancellour*, and there are two appointed with a 100l. a year a piece, ſtipend.

FOR the *Auxiliary Books* that Conduce to the Study and Science of the *Law*, they are three: *Inſtitutions*, A Treatiſe, *de Regulis Juris*; And a better *Book*, *De verborum ſignificationibus*, or *Terms* of the *Law*. For the *Inſtitutions*, I know well there be *Books* of *Introductions*, (wherewith *Students* begin) of good worth; ſpecially *Littleton*, and *Fitzherbert*: *Natura Brevium*, But they are no ways of the nature of *Inſtitutions*: The Office whereof is to be a *Key*, and general preparation to the *Reading* of the *Courſe*. And principally it ought to have two Properties; The one a perſpicuous and clear *Order*, or *Method*: And the other an *Univerſal* Latitude or *Comprehenſion*; That the *Students* may have a little *Præ-Notion* of every thing, like a *Model* towards

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wards a great *Building*. For the Treatiſe, *De Regulis Juris*, I hold it of all other things, the moſt important to the Health (as I may term it) and good *Inſtitutions* of any Laws. It is indeed like the ballaſt of a Ship, to keep all upright and ſtable: But I have ſeen little in this kind, either in our Law, or other Laws that ſatisfieth me. The *naked Rule* or *Maxime* doth not the Effect. It muſt be made uſeful by good *Differences*, *Ampliations*, and *Limitations*, warranted by good Authorities; And this not by raiſing up of Quotations and References, but by Diſcourſe and Deducement in a *Juſt Tractate*. In this I have travelled my ſelf, at the firſt more curſorily; ſince with more Diligence; and will go on with it, if *God* and your *Majeſty* will give me leave. And I do aſſure your *Majeſty*, I am in good hope, that when Sir *Edward Cooks Reports*, and my Rules and Deciſions ſhall come to *Poſterity*, there will be (whatſoever is now thought) Queſtion, who was the greater *Lawyer?* For the *Books* of the *Terms* of the *Law*, There is a poor one; But I wiſh a Diligent one, wherein ſhould be compriſed, not only the Expoſition of the Terms of Law; but of the Words of all ancient *Records* and *Preſidents*.

For the *Abridgements*, I could wiſh if it were poſſible, that none mought uſe them, but ſuch as had read the *Courſe*; Firſt, that they mought ſerve for *Repertories* to Learned Lawyers, and not to make a Lawyer in haſt; But ſince that cannot be, I wiſh there were a good Abridgement compoſed, of the Two that are exſtant, and in better order. So much for the *Common Law*.

Statute Law.

FOR the *Reforming* and *Recompiling* of the *Statute Law*, it conſiſteth of Four parts.

1. The Firſt, to diſcharge the *Books* of thoſe *Statutes*, whereas the *Caſe* by Alteration of time is vaniſhed; As *Lombards Jews*, *Gauls* half Pence, *&c.* Thoſe may, nevertheleſs, remain in the *Libraries* for Antiquities, but no *Reprinting* of them. The like of *Statutes* long ſince expired, and clearly repealed; For if the *Repeal* be doubtful, it muſt be ſo propounded to the *Parliament*.

2. The next is to repeal all *Statutes*, which are *ſleeping*, and not of *uſe*, but yet *ſnaring* and in *force*; In ſome of thoſe, it will, perhaps be requiſite to ſubſtitute ſome more reaſonable Law, inſtead of them, agreeable to the time; In others a ſimple repeal may ſuffice.

3. The Third, that the Grievouſneſs of the *Penalty* in many *Statutes* be mitigated, though the *Ordinance* ſtand.

4. The laſt is, the Reducing of *Concurrent Statutes* heaped one upon another, to one clear and uniform Law. Towards this there hath been already upon my motion, and your *Majeſties* direction, a great deal of good pains taken: My Lord *Hobert*, My Self, *Serjeant Finch*, Mr. *Hennage Finch*, Mr. *Noye*, Mr. *Hackwell*, and others: Whoſe Labours being of a great bulk, it is not fit now to trouble your *Majeſty* with any further particularity therein: Only by this you may perceive the *Work* is already advanced: But becauſe this part of the *Work* which concerneth

cerneth the Statute Laws, must of necessity come to *Parliament*; And the *Houses* will best like that which themselves guide; And the Persons that themselves imploy; The way were to imitate the president of the *Commissioners*, for the *Canon Laws*, in 27. *Hen.* 8. and 4. *Edw.* 6. And the *Commissioners* for the *Union* of the two Realms, *Primo*, of your *Majesty*; And so to have the *Commissioners* named by both *Houses*; but not with a precedent power to Conclude; But only to prepare and propound to Parliament: This is the best way I conceive to accomplish this Excellent *Work* of *Honour* to your *Majesties Times*, and of *Good* to all Times: Which I submit to your *Majesties* better Judgment.

A Proposition touching the Compiling and Amendment of the Laws of England.

A

FRAGMENT

OF AN

ESSAY

OF

FAME.

THE *Poets* make *Fame* a *Monſter*. They deſcribe her in Part, finely and elegantly; and in part gravely and ſententiouſly. They ſay, look how many *Feathers* ſhe hath, ſo many *Eyes* ſhe hath underneath: So many Tongues; ſo many Voices; ſhe pricks up ſo many Ears.

This is a *flouriſh*: There follow excellent *Parables*; as that ſhe gathereth ſtrength in going; That ſhe goeth upon the ground, and yet hideth her head in the Clouds. That in the day time ſhe ſitteth in a *Watch Tower*, and flyeth moſt by night: That ſhe mingleth things done, with things not done: And that ſhe is a Terrour to great *Cities*: But that which paſſeth all the reſt is: They do recount that the *Earth*, *Mother* of the *Gyants*, that made War againſt *Jupiter*, and were by him deſtroyed, thereupon, in anger, brought forth *Fame*: For certain it is, that *Rebels* figured by the *Gyants* and *Seditious Fames*, and Libels, are but *Brothers* and *Siſters*; *Maſculine* and *Feminine*. But now if a Man can tame this *Monſter*, and bring her to feed at the hand, and govern her, and with her flye other ravening Fowl, and kill them, it is ſomewhat worth. But we are infected with the ſtile of the *Poets*. To ſpeak now in a ſad and ſerious manner: There is not in all the Politiques, a *Place* leſs handled, and more worthy to be handled, then this of *Fame*. We will therefore ſpeak of theſe *points*. What are falſe *Fames*; and what are true *Fames*; and how they may be beſt diſcerned; how *fames* may be ſown and raiſed; how they may be ſpread and multiplyed; and how they may be checked and layed dead. And other things concerning the *Nature* of *Fame*.

Fame

Fame is of that force, as there is scarcely any great Action wherein it hath not a great part; especially in the *War*. *Mucianus* undid *Vitellius* by a *Fame*, that he scattered; that *Vitellius* had in purpose to remove the *Legions* of *Syria* into *Germany*: and the *Legions* of *Germany*, into *Syria*: whereupon the *Legions* of *Syria* were infinitely inflamed. *Julius Cæsar* took *Pompey* unprovided, and layed *asleep* his industry and preparations, by a *Fame* that he cunningly gave out; how *Cæsars* own Souldiers loved him not; And being wearied with the Wars, and laden with the spoils of Gaul, would forsake him as soon as he came into *Italy*. *Livia* setled all things for the Succession of her Son *Tiberius*, by continual giving out, that her husband *Augustus* was upon recovery and amendment. And it is an usual thing with the *Bashaws*, to conceal the Death of the great *Turk* from the *Janizaries*, and Men of War, to save the Sacking of *Constantinople*, and other *Towns*, as their manner is. *Themistocles*, made *Zerxes*, King of *Persia* post apace out of *Græcia*, by giving out that the *Græcians* had a purpose to break his *Bridge* of Ships, which he had made athwart *Hellespont*. There be a thousand such like *Examples*; and the more they are, the less they need to be repeated; because a man meeteth with them every where: Therefore, let all Wise *Governors* have as great a watch and care over *Fames*, as they have of the *Actions* and Designs themselves.

A Civil Character of Julius Cæsar.

The rest was not Finished.

A

CIVIL CHARACTER

OF

Julius Cæsar.

Written in Latine by his Lordship, but Englished by the Publisher.

JULIUS CÆSAR was partaker at first of an exercised Fortune; which turned to his benefit: For it abated the Haughtiness of his spirit, and whetted his Industry. He had a Mind, *Turbulent* in his Desires and Affections; but in his judgment understanding very *serene* and *placide*: And this appears by his wise deliverances of himself, both in his Transactions and in his Speech. For no man ever resolved more swiftly, or spake more perspicuously and plainly. There was nothing forced or difficult in his Expressions. But in his will and appetite, he was of that Condition, that he never rested in those things he had gotten; but still thirsted and pursued after new; yet so, that he would not rush into new Affairs rashly, but settle and make an end of the former, before he attempted fresh Actions. So that he would put a seasonable period to all his Undertakings. And therefore, though he won many Battels in *Spain*, and weakned their *Forces* by degrees; yet he would not give over, nor despise the Reliques of the *Civil War* there, till he had seen all things composed: But then assoon as that was done, and the State setled, instantly he advanced in his Expedition against the *Parthians*.

He was, no doubt, of a very noble Mind; but yet such as aimed more at his *particular Advancement*, then at any *Merits* for the *Common Good*. For he referred all things to *Himself*; and was the true and perfect *Center* of all his Actions. By which means, being so fast tyed to his Ends, he was still prosperous, and prevailed in his Purposes; Insomuch, that neither *Country*, nor *Religion*, nor good *Turns* done him, nor *Kindred*, nor *Friendship* diverted his Appetite, nor bridled him from pursuing his own Ends. Neither was he much enclined to *works* of *Perpetuity*: For he established nothing for the future; he founded no sumptuous *Buildings*; He procured to be enacted no wholsom *Laws*, but still minded him-

himself: and so his Thoughts were confined within the Circle of his own Life. He sought indeed after *Fame* and *Reputation*, because he thought they might be profitable to his Designs: Otherwise, in his inward Thoughts he propounded to himself rather *Absoluteness* of *Power*, then *Honour*, and *Fame*. For as for *Honour* and *Fame*, he pursued not after them for themselves; but because they were the Instruments of *Power* and *Greatness*. And therefore he was carried on through a Natural Inclination, not by any Rules that he had learned to affect the sole *Regiment*; and rather to *enjoy* the same, then to *seem worthy* of it. And by this means he won much Reputation amongst the *People*, who are no valuers of true Worth: But amongst the *Nobility* and great Men, who were tender of their own Honours, it procured him no more then this, that he incurred the Brand of an *Ambitious* and *Daring* Man.

A Civil Character of Julius Cæsar.

Neither did they much erre from the Truth who thought him so; for he was by Nature exceeding *bold*; and never did put on any shew of *Modesty*, except it were for some purposes. Yet notwithstanding, he so attempered his *Boldness*, that it neither impeached him of Rashness; nor was burthensom to men; nor rendred his Nature suspected, but was conceived to flow out of an Innate Sincerity and freeness of Behaviour; and the *Nobility* of his *Birth*: And in all other things he passed, not for a *Crafty* and *Deceitful* Person; but for an *open-hearted* and *plain-dealing* Man. And whereas he was indeed an *Arch-Politician*, that could counterfeit and dissemble sufficiently well; and was wholly compounded of *Frauds* and *Deceits*; so that there was nothing *sincere* in him, but all *Artificial*; yet he covered, and disguised himself so, that no such Vices appeared to the Eyes of the World; but he was generally reputed to proceed plainly and uprightly with all men. Howbeit, he did not stoop to any petty and mean *Artifices*, as they do, which are ignorant in State-Employments; and depend not so much upon the strength of their own Wits, as upon the Counsels and Brains of others, to support their Authority; For he was skilled in the Turnings of all Humane Affairs; and transacted all Matters, especially those of High Consequence by himself, and not by others.

He was singularly skilful to avoid *Envy*; and found it not impertinent to his Ends, to decline that, though it were with some diminution of his *Dignity*. For aiming at a *Real power*, he was content to pass by all vain Pomp and outward shews of Power throughout his whole Life; Till at the last, whether high-flown with the continual *Exercise* of *Power*, or corrupted with *Flatteries*, he affected the *Ensigns* of *Power* (The *Stile* and *Diadem* of a *King*) which was the Bait that wrought his overthrow.

This is true, that he harboured the thoughts of a *Kingdom* from his very youth: And hereunto the *Example* of *Sylla*, and the *Kindred* of *Marius*, and his *Emulation* of *Pompey*, and the *Corruption* and *Ambition* of the *Times*, did prick him forward: But then he paved his way to a *Kingdom*, after a wonderful and strange manner. As first, by a *Popular* and *Seditious* power; afterwards by a *Military power*, and that of a *General in War*. For there was required to effect his Ends; First, That he should break the *Power* and *Authority* of the *Senate*; which, as long as it stood firm, was adverse, and an hinderance, that no man could climb to *Soveraignty* and *Imperial Command*. Then the *Power* of *Crassus*

A Civil Character of Julius Cæsar.

and *Pompey*, was to be subdued and quelled, which could not be done otherwise, then by *Arms*. And therefore (as the most *Cunning Contriver* of his own *Fortune*) he laid his first Foundation by *Bribes*; By corrupting the *Courts* of *Justice*; by renewing the *Memory* of *Caius Marius*, and his party; For most of the *Senators* and *Nobility* were of *Sylla's faction*: By the *laws* of *distributing* the *Fields*, amongst the *Common People*: By the *sedition* of the *Tribunes*, where he was the *Author*: By the *madness* and *fury* of *Cataline*, and the *Conspirators*, unto which Action he secretly blew the *coals*! By the *Banishment* of *Cicero*, which was the greatest Blow, to the *authority* of the *Senate*, as might be; and several other the like *Arts*: But most of all by the *Conjunction* of *Crassus* and *Pompey*, both betwixt themselves, and with him; which was the thing that finished the work.

Having accomplished this part, he betook himself to the other; which was to *make use* of, and to *enjoy* his *power*. For being made *Proconsul* of *France* for five years; and afterwards continuing it for five years more; he furnished himself with *Arms* and *Legions*, and the power of a Warlike and Opulent *Province*; and was formidable to *Italy*.

Neither was he ignorant, that after he had strengthened himself with *Arms*, and a *Military power*, neither *Crassus* nor *Pompey* could ever be able to bear up against him; whereof the one trusted to his great Riches; the other to his Fame and Reputation; the one decayed through age; the other in power and authority: And neither of them were grounded upon true and lasting Foundations. And the rather, for that he had obliged all the *Senators* and *Magistrates*: And in a word all those that had any power in the *Common-wealth*, so firmly to himself, with private Benefits; that he was fearless of any Combination or Opposition against his Designs, till he had openly invaded the *Imperial power*.

Which thing, though he always bare in his Mind; and at the last acted it; yet he did not lay down his former person: But coloured things so; That what with the reasonableness of his Demands; What with his pretences of Peace; and what with the Moderate use of his Successes; he turned all the *Envy* of the *Adverse Party*; and seemed to take up *Arms* upon necessity for his own preservation and safety. But the falseness of this pretence manifestly appeared; inasmuch as soon after having obtained the *Regal Power*, all *Civil Wars* being appeased; and all his *Rivals* and *Opposites*, which might put him to any fear, being removed out of the way by the stroke of *Death*; notwithstanding he never thought of *resigning* the *Republick*; No, nor ever made any shew or offer of *resigning* the same. Which shewed plainly, that his ambition of being a *King* was setled in him, and remained with him unto his last breath. For he did not lay hold upon occasions, as they happened, but moulded and formed the occasions, as himself pleased.

His chief *Abilities* consisted in *Martial Knowledge*; In which he so excelled, that he could not only *lead* an Army, but *mould* an Army to his own liking. For he was not more skilful in managing Affairs, than in *winning* of Hearts. Neither did he affect this by any ordinary Discipline, as by inuring them to fulfil all his commands; or by striking a shame into them to disobey, or by carrying a severe Hand over them: But by such a way as did wonderfully stir up an alacrity and chearfulness in them: and did in a sort assure him of the Victory aforehand, and which did oblige the Souldier to him, more than was fit for a *Free Estate*.

Now

A Civil Character of Julius Cæsar

Now whereas he was verſed in all kinds of *Martial knowledge*, and joyned *Civil Arts*, with the *Arts of War*; nothing came ſo ſuddenly, or ſo unlooked for upon him, for which he had not a remedy at hand: And nothing was ſo adverſe, but that he could pick ſomething for his Turn and Benefit out of it.

He *Stood* ſufficiently upon his *State* and *Greatneſs*. For in great Battels, he would ſit at home in the *Head Quarter*, and manage all Things by *Meſſages*, which wrought him a double benefit. Firſt, that it ſecured his *Perſon* more, and expoſed him the leſs to *Danger*. Secondly, that if at any time his *Army* was worſted, he could put new ſpirit into them with his own preſence, and the *Addition* of *freſh Forces*, and turn the *Fortune* of the *Day*. In the conducting of his *Wars*, he would not only follow former *Precedents*, but he was able to deviſe and purſue new *Stratagems*, according as the accidents and and occaſions required.

He was conſtant, and ſingularly kind, and indulgent in his *Friendſhips* contracted. Notwithſtanding, he made choice of ſuch Friends, as a man might eaſily ſee, that he choſe them rather to be *Inſtruments* to his *Ends*, than for any *Good will* towards them. And whereas, by Nature, and out of a firm Reſolution, he adhered to this Principle; not to be eminent amongſt *Great* and *deſerving* Men; but to be chief amongſt *Inferiours* and *Vaſſals*; he choſe only mean and active men, and ſuch as to whom himſelf might be all in all. And hereupon grew that ſaying; *So let Cæſar live, though I dye*, and other ſpeeches of that kind. As for the *Nobility*, and thoſe that were his *Peers*, he contracted Friendſhip with ſuch of them, as might be uſeful to him; and admitted none to his *Cabinet Counſel*, but thoſe that had their Fortunes wholly depending upon him.

He was moderately furniſhed with good *Literature*, and the *Arts*; But in ſuch ſort as he applyed his skill therein to *Civil Policy*. For he was well read in *Hiſtory*: and was expert in *Rhetorique*, and the *Art* of *Speaking*. And becauſe he attributed much to his good *Stars*, he would pretend more then an ordinary Knowledge in *Aſtronomy*. As for *Eloquence*, and a prompt *Elocution*, that was *Natural* to him and *pure*.

He was diſſolute, and propenſe to *Voluptuouſneſs* and *Pleaſures*; which ſerved well at firſt for a Cover to his *Ambition*. For no man would imagine, that a man ſo looſely given could harbour any Ambitious and Vaſt Thoughts in his Heart. Notwithſtanding, he ſo governed his *Pleaſures*, that they were no hinderance, either to his profit, or to his buſineſs: And they did rather whet, then dull the vigour of his Mind. He was *Temperate* at his *Meals*; *Free* from *Niceneſs* and *Curioſity* in his *Luſts*; pleaſant and *Magnificent* at *publick Interludes*.

Thus being accompliſhed, the ſame Thing was the Means of his *downfall* at laſt; which in his Beginnings was a ſtep to his *Riſe*; I mean, his *Affection* of *Popularity*. For nothing is more *popular*, than to *forgive our Enemies*. Through which, either *Vertue* or *Cunning*, he loſt his life.

A

CIVIL CHARACTER

OF

AUGUSTUS CÆSAR.

Written in Latine by his Lordſhip, but Engliſhed by the Publiſher.

AUGUSTUS CÆSAR (if ever any *Mortal Man*) was endued with a *greatneſs* of *Mind*, *undiſturbed* with *paſſions*, *clear* and well *ordered*; Which is evidenced by the High Atchievements which he performed in his early youth. For thoſe perſons which are of a turbulent Nature or Appetite, do commonly paſs their youth in many *Errours*; And about their Middle and then and not before, they ſhew forth their *Perfections*; But thoſe that are of a Sedate and calm Nature, may be ripe for great and glorious Actions in their youth. And whereas the *Faculties* of the *Mind*, no leſs then the *Parts* and *Members* of the *Body*, do conſiſt and flouriſh in a good temper of *Health*, and *Beauty*, and *Strength*; So he was in the *ſtrength* of the *Mind*, inferiour to his Uncle *Julius*; But in the *Health* and *Beauty* of the *Mind*, ſuperiour. For *Julius* being of an unquiet and uncompoſed Spirit; (As thoſe, who are troubled with the *Falling Sickneſs*, for the moſt part are;) Notwithſtanding He carried on his own Ends with much Moderation and Diſcretion; But He did not order his Ends well, propounding to Himſelf, vaſt and high Deſigns, above the Reach of a *Mortal Man*. But *Auguſtus*, as a Man ſober, and mindful of his *Mortality*, ſeemed to propound no other Ends to Himſelf, then ſuch as were orderly and well weighed, and governed by *Reaſon*. For firſt he was deſirous indeed to have the *Rule*, and *Principality* in his Hands; Then He ſought to appear worthy of that *Power* which he ſhould acquire: Next, to *enjoy* an *High Place*, He accounted but a *Tranſitory Thing*: Laſtly, He endevoured to do ſuch *Actions*, as might continue his *Memory*, and leave an *Impreſſion* of his *good Government* to *After Ages*. And therefore, in the *beginning* of his *Age*, He affected *Power*; In the *middle* of his *Age*, *Honour* and *Dignity*; In the *decline* of his *years*, *Eaſe* and *Pleaſure*: And in the *end* of his *Life*, He was wholly bent to *Memory* and *Poſterity*.

A

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OF

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New and Old.

BY THE

RIGHT HONOURABLE

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A COLLECTION OF APOPHTHEGMS New and Old.

His Lordſhips Preface.

JUlius Cæſar *did write a* Collection *of* Apophthegms, *as appears in an* Epiſtle *of* Cicero; *ſo did* Macrobius *a* Conſular Man. *I need ſay no more, for the worth of a* Writing *of that Nature. It is pity* Cæſars Book *is loſt: For I imagine they were collected with judgment and choice: whereas that of* Plutarch *and* Stobæus; *And much more the* Modern ones, *draw much of the Dregs. Certainly they are of excellent uſe. They are* Mucrones verborum, Pointed Speeches. The words of the wiſe are as Goads, *ſaith* Solomon. Cicero *prettily calleth them* Salinas, Saltpits, *that you may extract* Salt *out of, and ſprinkle it where you will. They ſerve to be interlaced in* Continued ſpeech. *They ſerve to be recited upon* Occaſion *of themſelves. They ſerve if you take out the* Kernel *of them, and make them your own. I have for my Recreation amongſt more ſerious ſtudies, collected ſome few of them: Therein fanning the old, Not omitting any, becauſe they are* vulgar, (*For many* vulgar *ones are excellent good;*) *Nor for the* Meanneſs *of the* Perſon; *But becauſe they are* Dull *and* Flat; *And adding many* New, *that otherwiſe would have died.*

This collection his Lp. made out of his Memory, without turning any Book.

* Observe that in Ed 1661 there is no number 4; and therefore all these w^ch follow are numbered wrong till it come to 36 w^ch is repeated: and therefore sets the numeration right again. In the Edition the interpolation of n^o 4 in this place rectifies the error. For that the numbers here are right up to 36. where the former edition gets right again, and then would have got wrong — But the editor ~~takes~~ took that occasion for a new interpolation.

" The agreement interpolated here is the first clause in the verity Gospel Regnum" (1668) w^ch is not in Release. 1661.

A

COLLECTION

OF

APOPHTHEGMS

New and Old.

QUEEN ELIZABETH, the morrow of her *Coronation*, (It being the cuſtom to releaſe *Priſoners*, at the *Inauguration* of a *Prince*,) went to the *Chappel*; And in the *great Chamber*, one of her *Courtiers*, who was well known to her, either out of his own Motion, or by the Inſtigation of a wiſer Man, preſented her with a *Petition*, And before a great number of *Courtiers*, beſought her with a loud voice; *That now this good time, there might be four or five principal Priſoners more releaſed; Thoſe were the four Evangeliſts and the Apoſtle Saint Paul, who had been long ſhut up in an unknown Tongue, as it were in Priſon; ſo as they could not converſe with the Common People.* The Queen anſwered very gravely, *That it was beſt firſt to enquire of them, whether they would be releaſed or no.*

2. *Queen ANN BULLEN*, at the time when ſhe was led to be beheaded in the *Tower*, called one of the *Kings privy Chamber* to her, and ſaid unto him, *Commend me to the King, and tell him, that he hath been ever conſtant in his courſe of advancing me; From a private Gentlewoman he made me a Marchioneſs; And from a Marchioneſs a Queen; And now that he hath left no higher degree of Earthly Honour, He intends to Crown my Innocency with the Glory of Martyrdom.*

3. His *Majeſty JAMES the Firſt, King* of *Great Britain*, having made unto his *Parliament* an excellent and large Declaration, concluded thus, *I have now given you a clear Mirrour of my mind; Uſe it therefore like a Mirrour, and take heed how you let it fall, or how you ſoyle it with your Breath.*

4. A great Officer in *France* was in danger to have loſt his place, but his Wife by her ſuit and means making, made his peace, whereupon a pleaſant fellow ſaid, *That he had been crunſht, but that he ſaved himſelf upon his horns.*

5. His

5. His *Majesty* said to his *Parliament* at another time, finding there were some causeless *Jealousies* sown amongst them; *That the King and his People*, (whereof the *Parliament* is the *Representative Body*,) *were as Husband and Wife*; *And therefore, that of all other things, Jealousie was between them, most pernicious.*

6. His *Majesty*, when he thought his *Counsel* might note in him some *variety* in *Businesses*, though indeed he remained constant, would say; *That the Sun many times shineth watry*; *But it is not the Sun which causeth it*, *But some Cloud rising betwixt us and the Sun: And when that is scattered, the Sun is as it was, and comes to his former Brightness.*

7. His *Majesty* in his *Answer* to the *Book* of the *Cardinal of Evereux* (who had in a grave *Argument* of *Divinity*, sprinkled many witty *Ornaments* of *Poesy* and *Humanity*,) saith; *That these Flowers, were like Blew, and Yellow, and Red Flowers in the Corn, which make a pleasant shew to those that look on, but they hurt the Corn.*

8. *Sir Edward Cook* being vehement against the two *Provincial Counsels*, of *Wales*, and the *North*, said to the *King*; *There was nothing there, but a kind of Confusion and hotch potch of Justice: One while they were a Starr-Chamber*; *Another while a Kings-Bench*; *Another, a Common place*; *Another, a Commission of Oyer and Terminer. His Majesty* answered; *Why Sir Edward Cook, they be like Houses in progress, where I have not, nor can have, such distinct Rooms of State, as I have here at White-Hall, or at Hampton Court.*

9. The *Commissioners* of the *Treasure*, moved the *King* for the *Relief* of his *Estate*, to *disafforest* some *Forests* of his, explaining themselves of such *Forests* as lay out of the way, not near any of the *Kings Houses*, nor in the course of his *Progress*; Whereof he should never have use nor pleasure. *Why*, (saith the *King*,) *do you think that Solomon had use and pleasure of all his* 300 *Concubines.*

10. His *Majesty*, when the *Committees* of both *Houses* of *Parliament* presented unto him the *Instrument* of *union* of *England* and *Scotland*, was merry with them; And amongst other pleasant speeches shewed unto them the *Laird* of *Lawreston* a *Scotchman*, who was the Tallest and Greatest Man that was to be seen, and said; *Well, now we are all one, yet none of you will say, but here is one Scotchman greater then any English Man*, which was an ambiguous Speech; but it was thought he meant it of Himself.

11. His *Majesty* would say to the *Lords* of his *Counsel* when they sate upon any great *Matter*, and came from *Counsel* in to him, *Well you have set, but what have you hatcht?*

12. When the *Arch-Duke* did raise his *Siege* from the *Grave*, the then *Secretary* came to *Queen Elizabeth*; The *Queen* (having first Intelligence thereof,) said to the *Secretary*, *Wote you what? The Arch-Duke is risen from the Grave:* He answered; *What, without the Trumpet of the Arch-Angel?* The *Queen* replyed *yes*, *without the sound of Trumpet.*

13. *Queen Elizabeth* was importuned much by my Lord of *Essex* to supply divers great *Offices*, that had been long void: The *Queen* answered nothing to the Matter; But rose up on the sudden, and said; *I am sure my Office will not be long void.* And yet at that time, there

there was much ſpeech of *Troubles*, and *Diviſions* about the *Crown*, to be after her *Deceaſe*: But they all vaniſhed; and *King James* came in, in a profound peace.

14. The *Counſel* did make Remonſtrance unto *Queen Elizabeth*, of the continual *Conſpiracies* againſt her *Life*; and namely, that a *Man* was lately taken, who ſtood ready in a very dangerous and ſuſpicious manner to do the Deed: and they ſhewed her the *weapon*, wherewith he thought to have acted it. And therefore they adviſed her, that ſhe ſhould go leſs abroad to take the Air, weakly attended, as ſhe uſed. But the QUEEN anſwered; *That ſhe had rather be dead, then put in Cuſtody.*

15. The *Lady Paget*, that was very private with *Queen Elizabeth*, declared her ſelf much againſt the *Match* with *Monſieur*. After *Monſieurs Death*, the *Queen* took extream Grief, (at leaſt as ſhe made ſhew) and kept in within her *Bed-Chamber*, and one *Ante-Chamber* for three weeks ſpace, in token of mourning: At laſt ſhe came forth into the *Privy-Chamber*, and admitted her *Ladies* to have acceſs unto her; and amongſt the reſt, my *Lady Paget* preſented her ſelf, and came to her with a *ſmiling Countenance*. The *Queen* bent her Brows, and ſeemed to be highly diſpleaſed, and ſaid to her; *Madam, you are not ignorant of my extream Grief, and do you come to me with a Countenance of Joy?* My *Lady Paget* anſwered; *Alas if it pleaſe your Majeſty, it is impoſſible for me to be abſent from you three weeks, but that when I ſee you, I muſt look chearfully. No, no,* (ſaid the *Queen*, not forgetting her former *Averſneſs* to the *Match*) *you have ſome other conceit in it, tell me plainly.* My *Lady* anſwered; *I muſt obey you; It is this. I was thinking how happy your Majeſty was, you married not* Monſieur; *For ſeeing you take ſuch thought for his Death, being but your freind; If he had been your Husband ſure it would have coſt you your life.*

16. *Henry the* 4th of *France* his *Queen* was young with Child; *Count Soiſons*, that had his expectation upon the *Crown*, when it was twice or thrice thought that the *Queen* was with Child before, ſaid to ſome of his Friends; *That it was but with a Pillow*; This had ſome ways come to to the *Kings* Ear; who kept it till ſuch time as the *Queen* waxed great: Then he called the *Count* of *Soiſons* to him, and ſaid; laying his hand upon the *Queens* Belly; *Come Couſin, is this a Pillow?* The *Count* of *Soiſons* anſwered; *Yes, Sir, it is a Pillow for all* France *to ſleep upon.*

17. *King Henry the* 4th of *France*, was ſo punctual of his word, after it was once paſſed, that they called him the *King of the Faith.*

18. The ſaid *King Henry* the 4th was moved by his *Parliament* to a War againſt the *Proteſtants*: He anſwered; *Yes, I mean it: I will make every one of you Captains; you ſhall have Companies aſſigned you.* The *Parliament* obſerving whereunto his Speech tended, gave over, and deſerted his motion.

19. *Queen Elizabeth* was wont to ſay, upon the *Commiſſion* of *ſales*; That the *Commiſſioners* uſed her like *Strawberry-Wives*, that layed two or three great *ſtrawberries* at the mouth of their pot, and all the reſt were little ones; ſo they made her two or three good priſes of the firſt particulars, but ſell ſtraight ways.

20. *Queen Elizabeth* uſed to ſay of her Inſtructions, to great *Officers*; *That they were like to Garments, ſtreight at the firſt putting on, but did by and by wear looſe enough.*

21.

21. A great *Officer* at *Court*, when my Lord of *Essex* was first in trouble; and that he, and those that dealt for him, would talk much of my *Lords Friends*; and of his *Enemies*, answered to one of them; *I will tell you, I know but one Friend, and one Enemy my Lord hath; and that one friend is the Queen, and that one Enemy is himself.*

22. The *book* of *Deposing King Richard* the second, and the coming in of *Henry* the 4th, supposed to be written by *Doctor Hayward*, who was committed to the *Tower* for it, had much incensed *Queen Elizabeth*; and she asked Mr. *Bacon*, being then of her *Counsel learned*, whether there were any *Treason* contained in it? who intending to do him a pleasure, and to take off the *Queens* bitterness with a merry conceit, answered; *No Madam, for Treason, I cannot deliver Opinion, that there is any, but very much Felony:* The *Queen* apprehending it gladly, asked, *How? And wherein? Mr.* Bacon *answered; Because he had stollen many of his sentences and conceits out of* Cornelius Tacitus.

23. *Queen Elizabeth* being to resolve upon a great *Officer*, and being by some, that canvased for others, put in some doubt of that person, whom she meant to advance, called for Mr. *Bacon*; And told him, *she was like one, with a Lanthorn, seeking a man*; and seemed unsatisfyed in the choice she had of a man for that place. Mr. *Bacon* answered her, that he had heard that in old time, there was usually painted in the *Church Walls*, the *Day of Doom*, and *God* sitting in *Judgment*, and *Saint Michael* by him, with a pair of *Ballances*; And the *soul*, and the *Good Deeds* in the one *Ballance*; and the *Faults*, and the *Evil Deeds* in the other; and the *souls Ballance* went up far too light: Then was our *Lady* painted with a great pair of *Beads*; who cast them into the light *Ballance*, and brought down the *skale*: so he said; *place and Authority which were in her Majesties hands to give, were like our Ladies Beads which though men, through any imperfections, were too light before, yet when they were cast in, made weight competent.*

24. *Queen Elizabeth* was dilatory enough in suits, of her own Nature; and the *Lord Treasurer Burleigh* being a Wise Man, and willing therein to feed her humour, would say to her; *Madam, you do well to let suiters stay; For I shall tell you,* Bis dat, qui citò dat; *if you grant them speedily, they will come again the sooner.*

25. *Sir Nicholas Bacon*, who was *Keeper* of the *Great Seal* of *England*, when *Queen Elizabeth*, in her *Progress*, came to his house at *Gorhambury*; and said to him; *My Lord, what a little house have you gotten?* Answered her; *Madam, my House is well, but it is you that have made me too great for my House.*

26. There was a conference in *Parliament*, between the *Lords House*, and the *House* of *Commons*, about a *Bill* of *Accountants*, which came down from the *Lords* to the *Commons*; which *Bill* prayed; *That the Lands of Accountants, whereof they were seized, when they entred upon their Office, might be liable to their Arrears to the Queen.* But the *Commons* desired, that the *Bill* might not look back to *Accountants* that were already, but extend only to *Accountants* hereafter. But the Lord *Treasurer* said; *Why, I pray you, if you had lost your Purse by the way; would you look fowards, or would you look back? The Queen hath lost her Purse.*

27. The *Lord Keeper*, Sir *Nicholas Bacon* was asked his Opinion by my Lord

Lord of Leiceſter, concerning two perſons whom the *Queen* ſeemed to think well of: *By my Troth my Lord* (ſaid he) *the one is a grave Counſellour; The other is a proper young Man; and ſo he will be as long as he lives.*

28. *My* Lord *of Leiceſter*, Favourite to *Queen Elizabeth*, was making a large *Chace* about *Cornbury Park*; meaning to encloſe it with *Poſts* and *Rails*, and one day was caſting up his charge what it would come to. Mr. *Goldingham*, a free-ſpoken Man, ſtood by, and ſaid to my Lord; *Methinks your Lordſhip goeth not the cheapeſt way to work.* Why, *Goldingham*, ſaid my Lord? *Marry my Lord*, ſaid *Goldingham*; *Count you but upon the poſts, for the Countrey will find you railing.*

29. *The* Lord *Keeper*, Sir *Nicholas Bacon*, was asked his Opinion by *Queen Elizabeth*, of one of theſe *Monopoly licenſes?* And he anſwered; *Madam, will you have me ſpeak the Truth?* Licentiâ omnes deteriores ſumus: *We are all the worſe for Licenſes.*

30. My Lord of *Eſſex*, at the *Succour* of *Rhoane*, made 24 Knights, which at that time was a great number. Divers of thoſe *Gentlemen*, were of weak and ſmall means; which when *Queen Elizabeth* heard, ſhe ſaid; *My* Lord *might have done well to have built his Alms-houſe, before he made his Knights.*

31. The *Deputies* of the *Reformed Religion*, after the *maſſacre* which was at *Paris* upon Saint *Bartholomews Day*, treated with the *King* and *Queen Mother*, and ſome other of the *Counſel* for a peace. Both ſides were agreed upon the *Articles*. The queſtion was, upon the *ſecurity* for the performance. After ſome particulars propounded and rejected, the *Queen Mother* ſaid, *why, is not the word of a King ſufficient ſecurity?* One of the *Deputies* anſwered; *No by Saint Bartholomew, Madam.*

32. There was a *French Gentleman*, ſpeaking with an *Engliſh* of the *Law Salique*, That *Women* were excluded from inheriting the *Crown* of *France*. The *Engliſh* ſaid; *yes, but that was meant of the Women themſelves, not of ſuch Males as claimed by Women.* The *French Gentleman* ſaid, *where do you find that gloſs?* The *Engliſh* anſwered, *I'le tell you*, Sir, *Look on the back-ſide of the Record, of the Law Salique, and there you ſhall find it endorſed:* Implying there was no ſuch thing as the *Law Salique*, but that it is a meer fiction.

33. A *Fryar* of *France*, being in an earneſt Diſpute about the *Law Salique*, would need prove it by *Scripture*; citing that verſe of the *Goſpel*; Lilia Agri, non laborant, neque nent; *The Lilies of the Field do do neither labour nor ſpin:* Applying it thus; *That the Flower De Luces of* France *cannot deſcend, neither to the diſtaff, nor to the ſpade; That is, not to a woman, nor to a peaſant.*

34. When *Peace* was renewed with the *French* in *England*, divers of the great *Counſellers* were preſented from the *French* with *Jewels:* The Lord *Henry Howard*, being then Earl of *Northampton*, and a *Counſellor* was omitted. Whereupon the *King* ſaid to him, *My* Lord, *how happens it, that you have not a Jewel as well as the reſt?* My Lord anſwered, according to the *Fable* in *Æſope*; Non ſum Gallus, itaque non reperi Gemmam.

35. The ſame *Earl* of *Northampton*, then *Lord Privie Seal*, was askt by *King James*, openly at the Table, Where Commonly he entertained the *King* with diſcourſe; the *King* askt him upon the ſudden; *my Lord*

have you not a desire to see Rome? My Lord Privy Seal answered; *ye. indeed* Sir: The *King* said, *and why*? My Lord answered; *Because if it please your Majesty, it was the seat of the greatest Monarchy, and the Seminary of the bravest men of the world, whilest it was Heathen: And then Secondly, because afterwards it was the See of so many holy Bishops in the Primitive Church, most of them Martyrs.* The *King* would not give it over, but said; *And for nothing else?* My Lord answered; *yes, if it please your Majesty, for two things more: The one to see him, who they say hath so great a power to forgive other men their sins, to confess his own sins upon his knees before a Chaplain or Priest: And the other to hear Antichrist say his Creed.*

36. Sir *Nicholas Bacon*, being appointed a Judge for the Northern Circuit, and having brought his Trials that came before him to such a a pass, as the passing of Sentence on Malefactors, he was by one of the Malefactors mightily importuned for to save his life, which when nothing that he had said did avail, he at length desired his mercy on the account of kindred: Prethee said my Lord Judge, how came that in? Why, if it please you my Lord, your name is *Bacon*, and mine is *Hog*, and in all Ages *Hog* and *Bacon* have been so near kindred, that they are not to be separated. *I but* replyed Judge *Bacon, you and I cannot be kindred, except you be hanged; for* Hog *is not* Bacon *until it be well hanged.*

37. Two Scholars and a Countrey man travelling upon the Road, one night lodged all in one Inn, and supt together, where the Scholars thought to have put a trick upon the Countrey man which was thus; the Scholars appointed for Supper two Pigeons, and a Fat Capon, which being ready, was brought up, and they having set down, the one Scholar took up one Pigeon, the other Scholar took the other Pigeon thinking thereby that the Gountrey man should have sate still until that they were ready for the carving of the Capon, which he perceiving, took the Capon and laid it on his Trencher, and thus said, *Daintily contrived, every one a bird.*

38. *Jack Roberts* was desired by his Taylour, when the reckoning grew somewhat high, to have a Bill of his hand. *Roberts* said, I am content, but you must let no man know it; when the Taylour brought him the Bill, he tore it as in cholar, and said to him, *you use me not well, you promised me that no man should know it, and here you have put in: Be it known unto all men by these Presents:*

39. Sir *Walter Raleigh* was wont to say of the Ladies of Queen *Elizabeths* Privy Chamber, and Bed Chamber, *That they were like Witches, they could do hurt, but they could do no good.*

40. There was a Minister deprived for inconformity, who said, to some of his friends, that if they deprived him, it should cost an hundred mens lives, the party understood it, as if being a turbulent fellow, he would have moved sedition, and complained of him, whereupon being convented and opposed upon that speech, he said his meaning was, *That if he lost his Benefice, he would Practise Physick, and then he thought he should kill an hundred men in time.*

41. Secretary *Fourns* Son kept a Gentlemans Wife in *Shropshire*, who lived from her Husband with him, when he was weary of her, he caused her Husband to be dealt with to take her home, and offered him five hundred

hundred pounds for reparation: the Gentleman went to Sir *H. Sidney*, to take his advice upon this offer, telling him, that his Wife promised now a new life; and to tell him truth, five hundred pounds would come well with him; and besides that sometimes he wanted a Woman in his Bed. *By my Troth*, said Sir *Henry Sidney*, *take her home, and take the Money, then whereas other Cuckolds wear their Horns plain, you may wear yours gilt.*

42. When *Rablais*, the great Jester of *France*, lay on his death bed, and they gave him the extream unction, a familiar friend of his came to him afterwards, and asked him how he did, *Rablais* answered, *Even going my journey, they have greased my boots already.*

43. Mr. *Bromley* Sollicitor, giving in evidence for a deed, which was impeached to be fraudulent, was urged by the Council on the other side with this presumption, that in two former suits when Title was made, that deed was passed over in silence, and some other conveyance stood upon: Mr. *Justice Catiline* taking in with that side, asked the Solicitor, I pray thee Mr. Solicitor, let me ask you a familiar question, I have two Geldings in my Stable; I have divers times business of importance, and still I send forth one of my Geldings and not the other, would you not thing I set him aside for a Jade? *No my Lord*, said *Bromley*, *I would think you spared him for your own Saddle.*

44. *Thales* as he looked upon the stars, fell into the water, whereupon it was after said *That if he had looked into the water, he might have seen the Stars, but looking up to the Stars he could not see the water.*

45. A Man and his Wife in bed together, she towards morning pretended her self to be ill at ease, desiring to lie on her Husbands side, so the good man to please her came over her, making some short stay in his passage over, where she had not long lain, but desired to lie in her old place again, quoth he, how can it be effected? she answered, come over me again. *I had rather*, said he, *go a mile and a half about.*

46. A Thief being Arraigned at the Bar for stealing a Mare, in his pleading urged many things in his own behalf, and at last nothing availing, he told the Bench the Mare rather stole him, than he the Mare, which in brief he thus related, that passing over several grounds about his lawful occasions, he was pursued close by a fierce Mastive Dog, and so was forced to save himself by leaping over a Hedge, which being of an agil body he effected, and in leaping, a Mare standing on the other side of the hedge, leaped upon her back, who running furiously away with him, he could not by any means stop her until he came to the next Town, in which Town the owner of the Mare lived, and there was he taken, and here Arraigned.

47. Master *Mason* of *Trinity* Colledge, sent his Pupil to another of the Fellows to borrow a Book of him, who told him, *I am loath to lend my Books out of my Chamber, but if it please thy Tutor to come and read upon it in my Chamber, he shall as long as he will.* It was Winter, and some days after the same fellow sent to Mr. *Mason* to borrow his Bellows, but Master *Mason* said to his Pupil, *I am loath to lend my Bellows out of my Chamber, but if thy Tutor would come and blow the Fire in my Chamber, he shall as long as he will.*

48. A notorious Rogue being brought to the Bar, and knowing his case to be desperate, instead of pleading, he took to himself the liberty

of jesting and thus said, *I charge you in the Kings name, to seise and take away that man* (meaning the Judge) *in the Red Gown, for I go in danger of my life because of him.*

49. In *Flanders* by accident, a *Flemish* Tiler fell from the top of a house upon a *Spaniard*, and killed him, though he escaped himself, the next of the blood prosecuted his death with great violence, and when he was offered pecuniary recompence, nothing would serve him, but *Lex talionis*, whereupon the Judge said to him, *That if he did urge that sentence, it must be, that he should go up to the top of the house, and then fall down upon the Tiler.*

50. A rough hewn Seaman, being brought before a wise Just-as, for some misdemeanor, was by him sent away to Prison, and being somewhat refractory, after he heard his doom, insomuch as he would not stir a foot from the place he stood, saying, *it were better to stand where he was, than go to a worse place.* The Justice thereupon to shew the strength of his learning, took him by the shoulder, and said, *Thou shalt go* Nogus vogus, *instead of* Nolens volens.

51. *Francis* the first of *France*, used for his pleasure sometimes to go disguised: so walking one day in the company of the Cardinal of *Burbon*, near *Paris*, he met with a Peasant with a new pair of shoes upon his arm; so he called him unto him, and said, By our Lady, these be good shoes, What did they cost thee? the Peasant said guess, the King said, I think some five sols, saith the Peasant you have lied but a *Carlois*; What villain said the Cardinal of *Burbon*, thou art dead, it is the King, the Peasant replied, *The Devil take him of you and me that knew so much.*

52. There was a young man in *Rome*, that was very like *Augustus Cæsar*, *Augustus* took knowledge of him, and sent for the man, and asked him, Was your Mother never at *Rome*? he answered, *No Sir, but my Father was.*

53. A Physician advised his Patient that had sore Eyes, that he should abstain from Wine, but the Patient said, *I think rather Sir, from wine and water, for I have often marked it in blew eyes, and I have seen water come forth, but never wine.*

54. A debaucht Seaman being brought before a Justice of Peace upon the account of swearing, was by the Justice commanded to deposit his Fine in that behalf provided, which was two shillings, he thereupon plucking out of his pocket a half-crown, asked the Justice what was the rate he was to pay for Cursing, the Justice told him six pence, quoth he then, *A Fox take you all for a company of knaves and fools, and there's half a crown for you, I will never stand changing of money.*

55. *Augustus Cæsar* was invited to Supper by one of his old Friends, that had conversed with him in his less fortunes, and had but ordinary entertainment, whereupon at his going away he said, *I did not know that you and I were so familiar.*

56. *Agathocles* after he had taken *Syracusa*, the men whereof during the siege, had in a bravery spoken of him all the villany that might be, sold the *Syracusians* for slaves, and said, *Now if you use such words of me, I will tell your Masters of you.*

57. *Dionysius* the elder, when he saw his Son in many things very inordinate, said to him, Did you ever know me do such things? his Son answered, *No, but you had not a Tyrant to your Father*; the Father replied,

No

No nor you if you take theſe courſes, will have a Tyrant to your Son.

58. *Caliſthenes* the Philoſopher, that followed *Alexanders* Court, and hated the King, being asked by one, *how one ſhould become the famouſeſt man in the world*, antwered, *by taking away him that is.*

59. *Ageſilaus*, when one told him there was one did excellently counterfeit a Nightingale, and would have had him heard him, ſaid, *Why, I have heard the Nightingale her ſelf.*

60. A great Nobleman upon the complaint of a ſervant of his, laid a Citizen by the heels, thinking to bend him to his ſervants deſire, but the fellow being ſtubborn, the ſervant came to his Lord, and told him, your Lordſhip I know hath gone as far as well you may, but it works not: for yonder fellow is more perverſe then before. Said my Lord, *Lets forget him a while, and then he will remember himſelf.*

61. One came to a Cardinal in *Rome*, and told him that he had brought his Lordſhip a dainty white Palfrie, but he fell lame by the way, ſaith the Cardinal to him: *I'le tell thee what thou ſhalt do, go to ſuch a Cardinal, and ſuch a Cardinal*, naming him half a dozen Cardinals, *and tell them as much, and ſo whereas by thy horſe if he had been ſound, thou couldſt have pleaſed but one, with thy lame Horſe thou maiſt pleaſe half a dozen.*

62. A witty Rogue coming into a Lace-ſhop, ſaid he had occaſion for ſome Lace, choice whereof being ſhewed him, he at laſt pitched upon one pattern, and asked them how much they would have for ſo much as would reach from ear to ear, for ſo much he had occaſion for, they told him for ſo much: ſo ſome few words paſſing between them, he at laſt agreed, and told down his money for it, and began to meaſure on his own head, thus ſaying, *One ear is here, and the other is nailed to the Pillory in* Briſtol, *and I fear you have not ſo much of this Lace by you at preſent as will perfect my bargain; therefore this piece of Lace ſhall ſuffice at preſent in part of payment, and provide the reſt with all expedition.*

63. *Iphicrates* the *Athenian*, in a Treaty that he had with the *Lacedemonians* for peace, in which queſtion was about ſecurity for obſerving the ſame, ſaid, *The* Athenians *would not accept of any ſecurity, except the* Lacedemonians *did yield up unto them thoſe things, whereby it might be manifeſt, that they could not hurt them if they would.*

64. *Euripides* would ſay of perſons that were beautiful, and yet in ſome years, *In faireſt bodies not only the ſpring is pleaſant, but alſo the Autumn.*

65. There was a Captain ſent to an exploit by his General, with forces that were not likely to atchieve the enterpriſe, the Captain ſaid to him, Sir, appoint but half ſo many, why, ſaith the General? the Captain anſwered, *Becauſe it is better fewer dye than more.*

66. There was a Harbenger who had lodged a Gentleman in a very ill room, who expoſtulated with him ſomewhat rudely, but the Harbenger carelеſly ſaid, *You will take pleaſure in it when you are out of it.*

67. There is a *Spaniſh* Adage, *Love without end hath no end*, meaning, that if it were begun not upon particular ends it would laſt.

68. A Woman being ſuſpected by her Husband for diſhoneſty, and being by him at laſt preſt very hard about it, made him quick anſwer with many proteſtations, *That ſhe knew no more of what he ſaid, than the*

Man

Man in the Moon: Now the Captain of the Ship called the Moon was the very man she so much loved.

96. *Demosthenes* when he fled from the battel, and that it was reproached to him, said, *That he that flies might fight again.*

* 70. *Gonsalvo* would say, *The honour of a Souldier ought to be of a strong web*, meaning, that it should not be so fine and curious, that every little disgrace should catch and stick in it.

71. An Apprentice of *London* being brought before the Chamberlain by his Master, for the sin of incontinency, even with his own Mistress: the Chamberlain thereupon gave him many Christian Exhortations, and at last he mentioned and prest the chastity of *Joseph* when his Mistress tempted him with the like crime of incontinency. I Sir, said the Apprentice, *But if* Josephs *Mistress had been as handsom mine is, he could not have forborn.*

72. *Bias* gave in precept, love as if you should hereafter hate, and hate as if you should hereafter love.

73. *Cineas* was an excellent Oratour and States-man, and principal Friend and Counsellour to *Pyrrhus*; and falling in inward talk with him, and discerning the King endless ambitions, *Pyrrhus* opened himself unto him, that he intended first a War upon *Italy*, and hoped to atchieve it, *Cineas* asked him, *Sir, what will you do then?* then saith he, we will attempt *Sicily*; *Cineas* said, well Sir, *What then?* said *Pyrrhus*, if the gods favour us, we may conquer *Africk* and *Carthage*, *What then Sir*, saith *Cineas?* nay then saith *Pyrrhus*, we may take our rest, and Sacrifice and Feast every day, and make merry with our friends, *Alas Sir*, said *Cineas*, *may we not do so now without all this ado?*

74. *Lamia* the Curtizan had all power with *Demetrius* King of *Macedon*, and by her instigations he did many unjust and cruel acts, whereupon *Lysimachus* said, *That it was the first time that ever he knew a Whore play in a Tragedy.*

76. One of the *Romans* said to his friend, *What think you of one who was taken in the act and manner of Adultery?* the other answered, *Marry I think he was slow at dispatch.*

75. *Epaminondas*, when his great friend and Colleague in War was suitor to him to pardon an offender, denied him; afterwards when a Concubine of his made the same suit, he granted it to her, which when *Pelopidas* seemed to take unkindly, he said, *Such suits are to be granted to Whores, but not to Personages of worth.*

77. *Thales* being asked when a man should marry, said, *Young men not yet, old men not at all.*

78. A Company of Scholars going together to catch Conies, carried one Scholar with them, which had not much more wit than he was born with, and to him they gave in charge, that if he saw any, he should be silent for fear of scaring of them, but he no sooner espied a company of Rabbits before the rest, but he cryed aloud, *Ecce Multi Cuniculi*, which in English signifies, *behold many Conies*, which he had no sooner said, but the Conies ran to their boroughs, and he being checked by them for it, answered, *Who the Devil would have thought that the Rabits understood Latine?*

* 89. A *Welshman* being at a Sessions-house, and seeing the Prisoners hold up hands at the Bar, related to some of his acquaintance there, *That the*

the Judges were good Fortune-tellers, for if they did but look upon their hands, they could certainly tell whither they should live or dye.

80. *Solon* compared the people unto the Sea, and Orators and Counsellours to the winds; *for that the Sea would be calm and quiet, if the winds did not trouble it.*

†81. *Socrates* was pronounced by the Oracle of *Delphos*, to be the wiſeſt man of *Greece*, which he would put from himſelf Ironically, ſaying, *There would be nothing in him to verifie the Oracle, except this, that he was not wiſe and knew it, and others were not wiſe, and knew it not.*

†82. *Socrates*, when there was ſhewed him the book of *Heraclitus* the obſcure, and was asked his opinion of it, anſwered. *Thoſe things which I underſtood were excellent, I imagine ſo were thoſe I underſtood not, but they require a diver of* Delos.

83. *Bion* asked an envious man, that was very ſad, *What harm had befaln unto him, or what good had befaln unto another man.*

84. *Stilpo* the Philoſopher, when the people flocked about him, and that one ſaid to him, the people come wondring about you, as if it were to ſee ſome ſtrange beaſt, *No*, ſaith he, *it is to ſee a man which* Diogenes *ſeeks with his Lanthorn at noon day.*

85. A man being very jealous of his Wife, inſomuch that which way ſoever ſhe went, he would be prying at her heels, and ſhe being ſo grieved thereat, in plain terms told him, *That if he did not for the future leave off his proceedings in that nature, ſhe would graft ſuch a pair of Horns upon his Head, that ſhould hinder him from coming out of any door in the houſe.*

86. A Citizen of *London* paſſing the ſtreets very haſtily, came at laſt where ſome ſtop was made by Carts, and ſome Gentlemen talking together, who knew him, where being in ſome paſſion that he could not ſuddenly paſs, one of them in this wiſe ſpoke unto him, *That others had paſt by, and there was room enough, only he could not tell whether their Horns were ſo wide as his.*

87. A Tinker paſſing *Cheapſide* with his uſual tone, *Have you any work for a Tinker?* an Apprentice ſtanding at a door oppoſite to a Pillory there ſet up, called the Tinker, with an intent to put a jeſt upon him, and told him that he ſhould do very well if he would ſtop thoſe two holes in the Pillory, to which the Tinker anſwered, *That if he would but put in his head and ears a while in that Pillory, he would beſtow both braſs and nails upon him to hold him in, and give him his labour into the bargain.*

88. A young Maid having married an old Man, was obſerved on the day of Marriage to be ſomewhat moody, as if ſhe had eaten a diſh of Chums, which one of her Bridemen obſerving, bid her be cheery, and told here moreover, that an old horſe would hold out as long, and as well as a young one in travel: to which ſhe anſwered, ſtroking down her belly with her hand, *But not in this Road, Sir.*

89. There was in *Oxford* a cowardly fellow that was a very good Archer, he was abuſed groſly by another, and moaned himſelf to Sir *Walter Raleigh*, then a Scholar, and askt his advice, what he ſhould do to repair the wrong had been offered him; *Raleigh* anſwered; *Why challenge him at a match of ſhooting.*

90.

* 90. *Whitehead* a grave Divine was much esteemed by Queen *Elizabeth*, but not preferred, because he was against the Government of Bishops, he was of a blunt Stoical nature; he came one day to the Queen, and the Queen happened to say to him, *I like thee the better* Whitehead, *because thou livest unmarried.* He answered, *In troth Madam, I like you the worse for the same cause.*

* 91. Doctor *Lawd* said, that some Hypocrites and seeming mortified men, that held down their heads like bulrushes, were like the little Images that they place in the very bowing of the vaults of Churches, that look as if they held up the Church, but are but Puppets.

92. A Noble man of this Nation, famously known for his mad tricks, on a time having taken Physick, which he perceiving that it began well to work, called up his man to go for a Surgeon presently, and to bring his instruments with him: the Surgeon comes in all speed; to whom my Lord related, that he found himself much addicted to Women, and therefore it was his will, that the cause of it might be taken away, and therefore commanded him forthwith to prepare his instruments ready for to geld him; so the Surgeon forthwith prepares accordingly, and my Lord told him that he would not see it done, and therefore that he should do his work the back way, so both parties being contented, my Lord makes ready, and holds up his A---- and when he perceives the Surgeon very near him, he lets flye full in his face, which made the Surgeon step back, but coming presently on again; *Hold, hold*, saith my Lord, *I will better consider of it, for I see the retentive faculty is very weak at the approach of such keen instruments.*

* 93. The Lord *Henry Howard*, being Lord Privy Seal, was ask'd by the King openly at the Table, where commonly he entertained the King upon the sudden: My Lord, have you not a desire to see *Rome*? My Lord Privy Seal answered, yes indeed Sir. The King said, and why? My Lord answered, because, and please your Majesty, it was once the Seat of the greatest Monarchy, and the Seminary of the bravest men in the world amongst the Heathen; and then again, because it was the See of so many holy Bishops in the Primitive Church, most of them Martyrs. The King would not give it over, but said, and for nothing else? My Lord answered, *Yes, and it please your Majesty, for two things especially, the one to see him who they say hath such a power to forgive other mens sins, confess his own sins upon his knees before a Chaplain or Priest, and the other is to hear Antichrist say his Creed.*

94. There was a curst Page that his Master whipt naked, and when he had been whipt, would not put on his cloaths, and when his Master bad him, *Take them you, for they are the Hangmans Fees.*

95. There was a Lady of the West Country, that gave great entertainment at her house to most of the gallant Gentlemen thereabouts, and amongst others, Sir *Walter Raleigh* was one; this Lady, though otherwise a stately Dame, was a notable good house-wife, and in the morning betimes, she called to one of her Maids that lookt to the Swine, and asked, are the Pigs served? Sir *Walter Raleighs* chamber was fast by the Ladies, so as he heard her; a little before dinner, the Lady came down in great state into the great Chamber, which was full of Gentlemen, and as soon as Sir *Walter Raleigh* set eye upon her, *Madam*, saith he, *Are the Pigs served?* The Lady answered, *You know best, whether you have had your break fast.*

96

* All these, from № 36, are taken from the Welsh Apophthegms. in the order as they come: omitting those which occur in Reware. 1661. & added those which are from the method. Several of them do occur in Reware. 1661,

96. There were Fishermen drawing the River at *Chelsey*, *Mr. Bacon* came thither by chance in the After-noon, and offered to buy their *Draught*: they were willing. He asked them *what they would take?* They asked *Thirty Shillings*. Mr. *Bacon* offered them *Ten*: They refused it. *Why then* saith Mr. *Bacon*, *I will be only a looker on.* They drew and catched nothing. Saith Mr. *Bacon*, *are not you mad fellows now that might have had an Angel in your purse, to have made merry withal, and to have warmed you thorowly, and now you must go home with nothing.* *I but* saith the *Fishermen*, *we had hope then to make a better gain of it.* Saith Mr. *Bacon well my Master, then Ile tell you; hope is a good Breakfast, but it is a bad Supper.*

97. A *Lady* walking with Mr. *Bacon* in *Grays-Inne Walks*, asked him *whose that piece of ground lying next under the walls* was; He answered, *Theirs.* Then she asked him, if those *Fields* beyond the *Walks* were theirs too? He answered, *Yes Madam, those are ours, as you are ours, to look on, and no more.*

98. His *Lordship*, when he was newly made *Lord-Keeper*, was in *Grays-Inne Walks* with Sir *Walter Rawleigh*; One came and told him that the Earl of *Exeter* was above. He continued upon occasion still walking a good while. At last when he came up, my Lord of *Exeter* met him, and said; *My Lord I have made a great venture to come up so high stairs, being a gowty man.* *His Lordship answered, pardon me my Lord; I have made the greatest Venture of all; For I have ventured upon your Patience.*

99. When Sir *Francis Bacon* was made the *Kings Atturney*, Sir *Edward Cook* was put up from being *Lord chief Justice*, of the *Common Pleas*, to be *Lord chief Justice* of the *Kings Bench*; which is a place of greater Honour but of less profit; And withal was made *Privy Counsellor.* After a few days, the *Lord Cook* meeting with the *Kings Atturney*, said unto him; *Mr. Atturney, this is all your doing; It is you that have made this stir.* *Mr. Atturney* answered; *Ah my Lord! your Lordship all this while hath grown in Bredth; You must needs now grow in Heighth, or else you would be a Monster.*

100. One day Queen *Elizabeth* told Mr. *Bacon*, that my Lord of *Essex*, after great Protestation of Penitence, and affection fell in the end, but upon the Suit of renewing his *Farm*, of *Sweet Wines*: He answered; *I read that in Nature, there be two kinds of Motions or Appetites in Sympathy; The one as of Iron, to the Adamant for perfection; The other as of the Vine, to the Stake for sustentation, That her Majesty was the one, and his Suit the other.*

101. Mr. *Bacon* after he had been vehement in *Parliament*, against *Depopulation* and *Enclosures*; And that soon after the *Queen* told him, that she had referred the hearing of Mr. *Mills* Cause, to certain *Counsellors* and *Judges*; and asked him how he liked of it? Answered; *Oh Madam! my Mind is known; I am against all enclosures, and especially against enclosed Justice.*

102. When Sir *Nicholas Bacon* the *Lord Keeper* lived, every Room in *Gorhambury* was served with a Pipe of Water from the *Ponds*, distant about a Mile off. In the life-time of Mr. *Anthony Bacon*, the Water ceased. After whose death, his *Lordship* coming to the Inheritance, could not recover the Water without infinite charge: When he

was *Lord Chancellor*, he built *Verulam Houſe*, cloſe by the *Pond-yard*, for a place of privacy when he was called upon, to diſpatch any urgent buſineſs: And being asked, *Why he built that Houſe there*, His *Lordſhip* anſwered; *that ſince he could not carry the Water to his Houſe, He would carry his Houſe to the Water.*

103. When my *Lord Preſident* of the *Councel* came firſt to be *Lord Treaſurer*, he complained to my *Lord Chancellor* of the troubleſomneſs of the place, for that the *Exchequer* was ſo empty. The *Lord Chancellor* anſwered; *My Lord, be of good cheer, for now you ſhall ſee the bottom of your buſineſs at the firſt.*

104. When his *Lordſhip* was newly advanced to the *Great Seal*, *Gondomar* came to viſit him: *My Lord* ſaid; *That he was to thank God and the King for that Honour; But yet, ſo he might be rid of the burthen, he could very willingly forbear the Honour. And that he formerly had a deſire, and the ſame continued with him ſtill, to lead a private life, Gondomar* anſwered, That he would tell him a Tale, *Of an old Rat that would needs leave the World: And acquainted the young Rats, that he would retire into his Hole, and ſpend his days ſolitarily; and would enjoy no more comfort: and commanded them upon his high diſpleaſure, not to offer to come in unto him. They forbore two or three days; At laſt, one that was more hardy then the reſt, incited ſome of his Fellows to go in with him, and he would venture to ſee how his Father did: For he might be dead. They went in, and found the old Rat ſitting in the midſt of a rich Parmizan Cheeſe.* So he applyed the *Fable* after his witty manner.

105. *Rablais* tells a Tale of one that was very Fortunate in compounding differences. His Son undertook the ſaid Courſe, but could never compound any. Whereupon he came to his Father, and asked him, *What art he had to reconcile Differences?* He anſwered; *He had no other but this; To watch when the two parties were much wearied, and their Hearts were too great to ſeek Reconcilement at one anothers Hands; Then to be a means betwixt them, and upon no other Terms.* After which the *Son* went home, and proſpered in the ſame undertakings.

106. *Alonſo Cartilio*, was informed by his *Steward* of the greatneſs of his Expence, being ſuch as he could not hold out therewith. The *Biſhop* asked him, *wherein it chiefly aroſe?* His *Steward* told him, *In the multitude of his Servants:* The *Biſhop* bad him to make him a *Note* of thoſe that were neceſſary, and thoſe that might be ſpared. Which he did. And the *Biſhop* taking occaſion to read it before moſt of his Servants, ſaid to his *Steward*; *Well, let theſe remain, becauſe I have need of them; And theſe other alſo, becauſe they have need of me.*

107. Mr. *Marbury* the *Preacher* would ſay; *That God was fain to do with wicked Men, as Men do with Friſking Jades in a paſture, that cannot take them up, till they get them at a Gate*, So *wicked Men*, will not be taken up till the *Hour* of *Death.*

108. *Pope Xiſtus* the fifth, who was a very *poor Mans Son*, and his *Fathers* Houſe ill thatched, ſo that the *Sun* came in in many places, would ſport with his Ignobility, and ſay; *That he was, Nato di caſa Illuſtre; Son of an Illuſtrious Houſe.*

109. When the *King* of *Spain* conquered *Portugal*, he gave ſpecial charge to his *Lieutenant*, that the *Souldiers* ſhould not ſpoil, leſt he ſhould alienate the Hearts of the *People*: The *Army* alſo ſuffered much ſcarcity of

of Victual. Whereupon the *Spaniſh Soulditers* would afterwards ſay; *That they had won the King, a Kingdom on Earth; As the Kingdom of Heaven uſeth to be won; By Faſting and abſtaining from that which is another Mans.*

110. They feigned a *Tale* of *Sixtus Quintus*, whom they called *Size-Ace*; That after his *Death* he went to *Hell*, and the *Porter* of *Hell* ſaid to him; *You have ſome reaſon to offer your ſelf to this place, becauſe you were a wicked Man; but yet, becauſe you were a Pope, I have order not to receive you: You have a place of your own, Purgatory, you may go thither.* So he went away, and ſought about a great while for *Purgatory*, and could find no ſuch place. Upon that, he took heart and went to *Heaven*, and knocked; And St. *Peter* aſked *who was there?* He ſaid *Sixtus Pope.* Whereunto St. *Peter* ſaid; *why do you knock? you have the Keyes. Sixtus* anſwered, *It is true, but it is ſo long ſince they were given, as I doubt the wards of the lock be altered.*

111. *Charles* King of *Swede*, a great *Enemy* of the *Jeſuites*; when he took any of their *Colledges*, he would hang the old *Jeſuites*, and put the young to his *Afynes*, ſaying; *That ſince they wrought ſo hard above ground, he would try how they could work under ground.*

112. In *Chancery* at one time, when the *Counſel* of the *Parties* ſet forth the *Boundaries*, of the *Land* in *Queſtion*, by the *Plot*; And the *Counſel* of one part ſaid; *We lye on this ſide my Lord:* And the *Counſel* of the other part ſaid; *And we lye on this ſide*; The *Lord Chancellor Hatton* ſtood up and ſaid; *If you lye on both ſides, whom will you have me to believe.*

113. Sir *Edward Cook* was wont to ſay, when a great *Man* came to *Dinner* to him, and gave him no knowledge of his coming; *Sir ſince you ſent me no word of your coming, you muſt dine with me*; *But if I had known of it in due time, I would have dined with you.*

114. *William, Earl* of *Pembrook*, upon the complaint made of a *Servant* of his, layd a *Citizen* by the heels, thinking to bend him to his *Servants* deſire: But the Fellow being ſtubborn, the *Servant* came to his *Lord*, and told him; *Your Lordſhip I know has gone as farr as well you may, but it works not; For yonder fellow is more perverſe then before.* Said my *Lord, let's forget him a while, and then he will remember himſelf.*

115. *Pope Julius* the 3d, when he was made *Pope*, gave his *Hat* unto a *Youth*, a Favourite of his, with great ſcandal. Whereupon, at one time a *Cardinal* that might be free with him, ſaid modeſtly to him; *What did your Holineſs ſee in that young man, to make him Cardinal? Julius* anſwered, *What did you ſee in me, to make me Pope?*

116. The ſame *Julius* upon like occaſion of ſpeech, why he ſhould bear ſo great affection to the ſame *young Man*, would ſay; That he found by *Aſtrology*, that it was the *Youths* deſtiny, to be a great *Prelate*; which was impoſſible, except himſelf were *Pope.* And therefore that he did raiſe him, as the Driver on of his own *Fortune.*

117. Sir *Thomas Moor* had only Daughters at the firſt, And his *Wife* did ever pray for a Boy. At laſt ſhe had a Boy, which being come to Mans Eſtate, proved but ſimple. Sir *Thomas* ſaid to his *Wife*, *Thou prayedſt ſo long for a Boy, that he will be a Boy as long as he lives.*

118. Sir *Fulk Grevil*, afterward Lord *Brook*, in *Parliam.* when the *Houſe* of *Commons* in a great *Buſineſs*, ſtood much upon *Precedents*, ſaid

unto them; *Why do you ſtand ſo much upon precedents? The Times hereafter will be good or bad. If good, precedents will do no harm; If bad, power will make away, where it finds none.*

119. Sir *Tho. Moor*, on the day that he was beheaded, had a *Barber* ſent to him, becauſe his *Hair* was long; which was thought, would make him more *commiſerated* with the *People*. The *Barber* came to him, and aſked him, *whether he would be pleaſed* to be trim'd? *In good faith honeſt Fellow*, (ſaid Sir *Thomas*,) *the King and I, have a ſuit for my head; And till the Title be cleared, I will do no coſt upon it.*

120. *Stephen Gardner* Biſhop of *Wincheſter*, a great *Champion* of the *Popiſh Religion*, was wont to ſay of the *Proteſtants*, who ground upon the *Scripture*; *That they were like Poſts, that bring Truth in their Letters, and lyes in their Mouths.*

121. The former Sir *Thomas Moor* had ſent him by a *Suiter* in *Chancery*, two *ſilver Flagons*. When they were preſented by the *Gentlemans Servant*, he ſaid to one of his Men, *Have him to the Cellar; and let him have of my beſt wine*: And turning to the *Servant*, ſaid; *Tell thy Maſter if he like it, let him not ſpare it.*

122. *Michael Angelo* the famous *Painter*, painting in the *Popes Chappel* the *Pourtracture* of *Hell* and *damned Souls*; Made one of the *damned Souls* ſo like a *Cardinal* that was his Enemy, as every body at firſt ſight knew it. Whereupon the *Cardinal* complained to *Pope Clement*, humbly praying *It might be defaced*? The *Pope* ſaid unto him; *Why, you know very well, I have power to deliver a Soul out of Purgatory, but not out of Hell.*

123. There was an *Agent* here for the *Dutch*, called *Carroon*; And when he uſed to move the *Queen* for further *Succours*, and more *Men*? My Lord *Henry Howard* would ſay; *That he agreed well with the Name of Charon, Ferry-Man of Hell; For he came ſtill for more men, to encreaſe Regnum umbrarum.*

124. They were wont to call, *Referring* to the *Maſters* in *Chancery*, *Committing*. My *Lord Keeper Egerton*, when he was *Maſter* of the *Rolls*, was wont to aſk *What the Cauſe had done, that it ſhould be committed.*

125. They feigned a *Tale*, principally againſt *Doctours Reports*, in the *Chancery*,; That Sir *Nicholas Bacon*, when he came to *Heaven-Gate* was oppoſed, touching an unjuſt *Decree* which had been made in the *Chancery*. Sir *Nicholas* deſired to ſee the *Order*, whereupon the *Decree* was drawn up; and finding it to begin *Veneris*, &c. *Why*, (ſaith he,) *I was then ſitting in the Star-Chamber; This concerns the Maſter of the Rolls, let him anſwer it.* Soon after came the *Maſter* of the *Rolls*, *Cordal*; who died indeed a ſmall time after Sir *Nicholas Bacon*; and he was likewiſe ſtaid upon it: And looking into the *Order*, he found, that upon the reading of a *Certificate* of *Doctor Gibſon*, it was *Ordered, that his Report ſhould be decreed.* And ſo he put it upon *Doctor Gibſon*, and there it ſtuck.

126. Sir *Nicholas Bacon*, when a certain nimble-witted *Counſellor*, at the Barr, who was forward to ſpeak, did interrupt him often, ſaid unto him; *There's a great difference betwixt you and me: A pain to me to ſpeak, And a pain to you to hold your peace.*

127. The ſame Sir *Nicholas Bacon*, upon *Bills* exhibited to diſcover where *Lands* lay; upon proof, that they had a certain *Quantity* of *Land*, but could not ſet it forth; was wont to ſay; *And if you cannot find your Land in the Countrey, how will you have me find it in the Chancery?*

128. Mr.

128. Mr. *Houland*, in conference with a young *Student*, arguing a *Case*, hapned to say, *I would ask you but this Question.* The *Student* presently interrupted him, to give him an *Answer.* Whereunto Mr *Houland* gravely said; *Nay, though I ask you a Question, yet I did not mean you should answer me, I mean to answer my self.*

129. Pope *Adrian* the *sixth*, was talking with the Duke of *Sesa*, that *Pasquil* gave great scandal, and that he would have him thrown into the *River:* But *Sesa* answered; *Do it not Holy Father, for then he will turn Frogg; And whereas now he chants but by day, he will then chant both by day and by night.*

130. There was a Gentleman in *Italy*, that writ to a great *Friend* of his, whom the *Pope* had newly advanced to be *Cardinal*; *That he was very glad of his Advancement, for the Cardinals own sake; But he was sorry that himself had lost a good Friend.*

131. There was a *King* of *Hungary*, took a *Bishop* in Battel, and kept him *Prisoner:* Whereupon the *Pope* writ a *Monitory* to him; For that he had broken the *priviledge* of *Holy Church*, and taken his *Son.* The *King* sent an *Embassage* to him, and sent withal the *Armour* wherein the *Bishop* was taken, and this only in writing; *Vide num hæc sit Vestis Filii tui? Know now whether this be thy Sons Coat.*

132. Sir *Amyas Paulet*, when he saw too much hast made in any matter, was wont to say; *Stay a while, that we may make an end the sooner.*

133. A *Master* of the *Requests* to Queen *Elizabeth*, had divers times moved for audience, and been put off. At last he came to the *Queen* in a *Progress*, and had on a new pair of *Boots.* The *Queen* who loved not the *smell of new Leather*, said to him; *Fye sloven, thy new Boots stink. Madam* said he, *it is not my new Boots that stink; But it is the stale Bills that I have kept so long.*

134. At an *Act* of the *Commencement*, the *Answerer* gave for his *question*, *That an Aristocracy was better then a Monarchy.* The *Replyer*, who was a dissolute man, did tax him that being a private bred man, he would give a *question of State.* The *Answerer* said that the *Replyer* did much wrong the *priviledge* of *Scholars*, who would be much streightned, if they should give *questions* of nothing, but such things wherein they are practised; and added *we have heard your self dispute of vertue, which no man will say you put much in practise.*

135. *Queen Isabella* of *Spain*, used to say; *whosoever hath a good presence, and a good fashion, carries continual Letters of Recommendation.*

136. *Alonso* of *Aragon* was wont to say in commendation of *Age*, that *Age* appeared to be best in 4 things: *Old wood best to burn, Old Wine to drink, Old Friends to trust, and old Authors to read.*

137. It was said of *Augustus*, and afterward the like was said of *Septimius Severus:* Both which did infinite mischief in their beginnings, and infinite good toward their ends; *That they should either have never been born, or never died.*

138. *Constantine* the *Great*, in a kind of *Envy*, himself being a great *Builder*, as *Trajan* likewise was; would call *Trajan Parietaria Wall-flower*, because his name was upon so many *Walls.*

139. *Alonso* of *Aragon*, was want to say of himself, *That he was a great Necromancer, for that he used to ask Counsel of the dead: meaning of Books.*

140. *Ethel-*

140. *Ethelwold*, Biſhop of *Wincheſter*, in a *Famine*, ſold all the rich Veſſels and Ornaments of the *Church*, to relieve the Poor with *Bread*; and ſaid, *There was no reaſon that the Dead Temples of God ſhould be ſumptuouſly furniſhed; and the living Temples ſuffer penury.*

141. Many *Men*, eſpecially ſuch as affect *gravity*, have a manner after other mens ſpeech to ſhake their heads. *A great Officer* of this *Land* would ſay, *It was as men ſhake a bottle, to ſee if there were any wit in their Heads or no?*

142. After a great *Fight*, there came to the *Camp of Conſalvo* the *great Captain*, a Gentleman, proudly horſed and armed: *Diego de Mendoza*, asked the great *Captain*; *who's this?* who anſwered; *It is Saint Ermin, who never appears but after the ſtorm.*

143. There was one that dyed greatly in *Debt*: when it was reported in ſome Company, where divers of his *Creditors* caſually were, that he was dead; One began to ſay; *Well if he be goue, then he hath carried* 500 *Duckets of mine with him into the other world.* And another ſaid; *and* 200 *of mine:* And a third ſpake of great *ſums* of his. Whereupon one that was amongſt them ſaid; *I perceive now, that though a Man cannot carry any of his own with him, into the next world, yet he may carry away that which is another Mans.*

144. *Francis Carvajal*, that was the great *Captain* of the *Rebels* of *Peru*, had often given the Chace to *Diego Centeno*, a *principal Commander* of the *Emperours party:* He was afterwards taken by the *Emperours Lieutenant*, *Gaſca*; And committed to the cuſtody of *Diego Centeno*; who uſed him with all poſſible courteſie; inſomuch as *Carvajal* asked him; *I pray Sir who are you that uſe me with this courteſie? Centeno* ſaid; *Do you not know* Diego Centeno? *Carvajal* anſwered; *Truely Sir; I have been ſo uſed to ſee your back, as I knew not your Face.*

145. *Gondomar* would ſay, *Love without ends, hath no end:* Meaning, that if it were begun, not upon particular ends, it would laſt.

146. There was a *Merchant* died, that was very far in *Debt*, his *goods* and *Houſhold-ſtuff* were ſet forth to *ſale*. A *ſtranger* would needs buy a *pillow* there, ſaying; *This pillow ſure is good to ſleep upon, ſince he could ſleep that owed ſo many Debts.*

147. A *Lover* met his *Lady* in a *cloſe Chair*, ſhe thinking to have gone unknown, he came and ſpake to her: ſhe aked him, *how did you know me?* he ſaid, *Becauſe my wounds bleed afreſh*; Alluding to the common *Tradition*, that the *wounds* of a *Body ſlain*, will bleed a freſh upon the approach of the *murtherer.*

148. A Gentleman brought *Muſick* to his Ladies *window.* She hated him, and had warned him often away: And when he would not deſiſt, ſhe threw *ſtones at him:* whereupon a *Gentleman* ſaid unto him that was in his company: *what greater Honour can you have to your Muſick, then that ſtones come about you, as they did to* Orpheus?

149. *Coranus* the *Spaniard*, at a *Table* at *Dinner*, fell into an extolling of his own Father; ſaying, *If he could have wiſhed of God, he could not have choſen amongſt men a better Father*, Sir *Henry Savil* ſaid, *what not Abraham?* Now *Coranus* was doubted to deſcend of a *Race* of Jews.

* 150. *Conſalvo* would ſay, that the *Honour* of a *Souldier* ought to be of a good *ſtrong Webb*: meaning that it ſhould not be ſo fine and curious, as for every ſmall diſgrace to catch and ſtick in it.

151. *Breſ-*

151. *Bresquet*, *Jester* to *Francis* the first of *France*, did keep a *Kalendar* of *Fools*, wherewith he did use to make the *King* sport; telling him ever the Reason, why he put any one into his *Kalendar*. When *Charles* the fifth *Emperor*, upon confidence of the noble nature of *Francis* passed through *France*, for the appeasing of the *Rebellion* of *Gaunt*, *Brisquet* put him into his *Kalendar*. The *King* asked him the cause? he answered; *Because you having suffered, at the hands of* Charles, *the greatest bitterness that ever Prince did from another, nevertheless he would trust his person into your hands. Why Bresquet*, said the *King*, *what wilt thou say, if thou seest him pass back in as great safety, as if he marched through the middest of* Spain? saith *Bresquet*; *why then I will put him out, and put in you.*

152. *Archbishop Grindall* was wont to say; *That the Physicians* here in *England*, were not good, at the Cure of particular Diseases; but had only the power of the *Church* to bind and loose.

153. *Cosmus* Duke of *Florence* was wont to say of *perfidious Friends*, *That we read, that we ought to forgive our Enemies; but we do not read that we ought our friends.*

154. A *Papist* being opposed by a *Protestant*, that they had no *Scripture* for *Images* answered, *yes*; *For you read, that the people laid their sick in the streets, that the shadow of Saint* Peter *might come upon them: and that a shadow was an Image, and the obscurest of all Images.*

155. Sir *Edward Dyer*; a grave and wise *Gentleman*, did much believe in *Kelley* the *Alchymist*; That he did indeed the work, and did make *Gold*, insomuch, that he went into *Germany*, where *Kelley* then was, to inform himself fully thereof. After his return he dined with my *Lord* of *Canterbury*: where, at that time, was at the Table, Dr. *Brown* the *Physician*. They fell in talk of *Kelley*. Sir *Edward Dyer* turning to the *Archbishop* said; *I do assure your Grace, that that I shall tell you is Truth: I am an eye-witness thereof; And if I had not seen it, I should not have believed it; I saw* Mr. Kelley, *put of the Base Mettal into the Chrysible; and after it was set a little upon the fire; and a very small quantity of the Medicine put in, and stirred with a stick of wood; It came forth in great proportion, perfect Gold; to the Touch, to the Hammer, and to the Test.* My *Lord Archbishop* said; *you had need take heed what you say*. Sir Edward Dyer; *for here is an Infidel at the Board.* Sir *Edward Dyer* said again pleasantly; *I should have looked for an Infidel sooner in any place, then at your Graces Table. What say you* Dr. *Brown*, said the *Archbishop*? Dr. *Brown* answered, after his blunt and hudling manner; *The Gentleman hath spoken enough for me.* Why, saith the *Archbishop*, *what hath he said? Marry*, saith Dr. *Brown*, he said, *He would not have believed it, except he had seen it; And no more will I.*

156. Doctor *Johnson* said; That in *sickness* there were three things that were material, the *Physician*, the *Disease*, and the *Patients*: And if any two of these joyned, then they get the victory; For, *Ne, Hercules quidem contra duos.* If the *Physician* and the *Patient* joyn, then down goes the *Disease*; For then the *Patient* recovers; if the *Physician* and the *Disease* joyn; that is a strong *Disease*; and *Physician mistaking the cure*, then down goes the *Patient*, if the *Patient* and the *Disease* joyn, then down goes the *Physician*, for he is discredited.

157. Mr. *Bettenham* said; *That vertuous men were like some herbs, and*

and ſpices that give not out their ſweet ſmell, tell they be broken or cruſhed.

✝158. The *Lord Archbiſhop Laud* ſaid; *That ſome Hypocrites and ſeeming mortified Men, which held down their heads, were like the little Images in the Vaults, or Roofs of Churches; which look and bow down, as if they held up the Church, when as they bear no weight at all.*

159. There was a *Painter* became a *Phyſician*; whereupon one ſaid to him; *You have done well; for before the faults of your work were ſeen; but now they are unſeen.*

160. There was a *Gentleman*, that came to the *Tilt*, all in *Orenge Tawney*, and ran very ill. The next day he came again, all in *Green*, and ran worſe. There was one of the *Lookers* on, asked another; *What is the reaſon that this Gentleman changeth his Colours?* The other anſwered, *ſure, becauſe it may be reported; That the Gentleman in the* Green, *ran worſe then the Gentleman in the* Orenge-tawney.

✝161. Mr. *Whitehead*, a grave *Divine*, was much eſteemed by *Queen Elizabeth*, but not preferred, becauſe he was againſt the Government of of *Biſhops*. He came, one day, to the *Queen*, and the *Queen* chanced to ſay to him; *I like thee the better*, Whitehead, *becauſe thou liveſt Unmarried.* He anſwered again; *In troth, Madam, I like you the worſe for the ſame cauſe.*

162. *Zelim* was the firſt of the *Ottomans*, that did ſhave his *Beard*, whereas his *Predeceſſors* wore it long. One of his *Baſhaws askt him; Why he altered the Cuſtom of his Predeceſſors?* he anſwered, *Becauſe you Baſhaws, may not lead me by the Beard, as you did them.*

163. *Æneas Sylvius*, that was *Pope Pius ſecundus*, was wont to ſay; *That the former Popes did wiſely to ſet the Lawyers awork, to debate; Whether the Donation of* Conſtantine *the great, to* Sylveſter, *of* St. Peters *Patrimony, were good or valid in Law or no? The better to skip over the Matter in Fact, whether there was ever any ſuch thing at all, or no?*

164. The *Lord Biſhop Andrews*, was asked at his firſt coming over of the *Archbiſhop of Spalato, whether he were a Proteſtant or no?* he anſwered; *Truly, I know not; But I think he is a Deteſtant*; That was, of moſt of the *Opinions of Rome.*

165. It was ſaid amongſt ſome of the grave *Prelates* of the *Counſel of Trent*, in which the *School-Divines* bare the ſway; *That the School-men were like the Aſtronomers, who to ſave the Phænomena, framed to their conceit, Eccentricks, and Epicycles, and a wonderful Engine of Orbes; Though no ſuch things were*: ſo they to ſave the practiſe of the *Church*, had deviſed a great number of *ſtrange poſitions.*

166. *Æneas Sylvius* would ſay; that the *Chriſtian Faith*, and *Law*, though it had not been confirmed by *Miracles*, yet was worthy to be received for the *Honeſty* thereof.

167. Mr. *Bacon* would ſay; that it was in his *Buſineſs*, as it is frequently in *ways*: *That the next way, is commonly the foulſt; And that if a man will go the faireſt way, he muſt go ſomewhat about.*

168. Mr. *Bettenham*, Reader of *Grayes-Inne*, uſed to ſay, *That Riches were like muck; when it lay upon an heap, it gave but a ſtench and ill Odour; but when it was ſpread upon the ground, then it was cauſe of much Fruit.*

169. *Cicero* married his *Daughter* to *Dolabella*, that held *Cæſars party*: *Pompey* had married *Julia* that was *Cæſars Daughter.* After, when *Cæſar*

and

and *Pompey* took Arms one againſt the other; And *Pompey* had paſſed the Seas, and *Cæſar* poſſeſſed *Italy*; *Cicero* ſtaid ſomewhat long in *Italy*; but at laſt ſayled over to joyn with *Pompey*. Who when he came to him, *Pompey* ſaid, *you are welcome, but where left you your Son-in-Law? Cicero* anſwered, *with your Father-in-Law.*

170. *Veſpaſian*, and *Titus* his eldeſt *Son*, were both abſent from *Rome*, when the *Empire* was caſt upon *Veſpaſian*; *Domitian* his younger Son was at *Rome*, who took upon him the *Affairs*; and being of a *Turbulent* ſpirit, made many changes; and diſplaced divers Officers and Governours of *Provinces*, ſending them *Succeſſors*. So when *Veſpaſian* returned to *Rome*, And *Domitian* came into his preſence, *Veſpaſian* ſaid to him; *Son I looked when you would have ſent me a Succeſſor.*

171. *Nero* loved a beautiful *Youth*, whom he uſed vitiouſly, and called him *Wife*. There was a *Senator* of *Rome*, that ſaid ſecretly to his *Friend*, *It was pity* Nero's *Father had not ſuch a Wife.*

172. *Galba* ſucceeded *Nero*, and his Age being deſpiſed, there was much Licenſe and Confuſion in *Rome*, during his *Empire*: whereupon a *Senator* ſaid in full *Senate*; *It were better to live where nothing is Lawful, than where all things are Lawful.*

173. *Auguſtus Cæſar* did write to *Livia*, who was over-ſenſible of ſome ill words, that had been ſpoken of them both: *Let it not trouble thee, my* Livia, *if any Man ſpeak ill of us; for we have enough that no man can do ill unto us.*

174. *Cleon* ſaid, that *Kings Friends*, and *Favourites*, were like *caſting Counters*; That ſometimes ſtood for one, ſometimes for ten, ſometimes for an Hundred.

175. *Theodoſius*, when he was preſſed by a *Suitor*, and denyed him, The *Suitor* ſaid; *Why, Sir, you promiſed it.* He anſwered; *I ſaid it, but I did not promiſe it, if it be unjuſt.*

176. The *Romans*, when they ſpake to the *People*, were wont to ſtile them, ye *Romans*: When *Commanders* in *War* ſpake to their *Army*, they ſtiled them my *Souldiers*. There was a *Mutiny* in *Cæſars Army*, and ſomewhat the *Souldiers* would have had, but they would not declare themſelves in it, But only demanded a *Miſſion* or *Diſcharge*; Though with no intention it ſhould be granted: But knowing, that *Cæſar* had at that time great need of their ſervice, thought by that means to wrench him to their other deſires: whereupon, with one Cry, they asked *Miſſion*. *Cæſar* after ſilence made, ſaid; *I for my part ye Romans*, this *Title* did actually ſpeak them to be *diſmiſſed*: which voice they had no ſooner heard, but they mutinied again; and would not ſuffer him to go on with his *Speech*, until he had called them by the Name of his *Souldiers*, and ſo, with that one *word* he appeaſed the *Sedition.*

177. *Cæſar* would ſay of *Sylla*, for that he did reſign his *Dictatorſhip*; Sylla *was ignorant of Letters he could not dictate.*

178. *Seneca* ſaid of *Cæſar*; *That he did quickly ſhew the Sword, but never leave it off.*

179. *Diogenes* begging, as divers *Philoſophers* then uſed, did beg more of a *Prodigal Man*, than of the *Reſt* which were preſent. Whereupon one ſaid to him: *See your Buſineſs, that when you find a liberal Mind, you will take moſt of him: No*, ſaid *Diogenes, but I mean to beg of the Reſt again.*

180. *Themistocles*, when an *Embassadour* from a *mean estate*, did speak great *matters*; said to him, *friend thy words would require a City.*

181. *Iphicrates* the *Athenian*, in a Treaty that he had with the *Lacedemonians* for peace; And that *Question* was made about *security*, for observing the same *peace*, said; *the* Athenians *would not accept of any security, except the* Lacedemonians *do yield up unto them, those things, whereby it might be manifest, that they could not hurt them, though they would.*

182. They would say of the *Duke* of *Guise*, *Henry*; *That he was the greatest Usurer in* France, *for that he had turned all his Estate into Obligations.* Meaning; That he had sold, and oppignerated all his *Patrimony*, to give large donatives to other men.

183. *Cæsar Borgia*, after long Division between him and the *Lords* of *Romania*, fell to accord with them. In this Accord there was an *Article*, that he should not call them at any time, all together in person. The meaning was, that knowing his dangerous Nature, if he meant them treason, he might have opportunity to oppress them altogether at once. Nevertheless, he used such fine Art, and fair Carriage, that he won their Confidence to meet altogether in Counsel at *Cinigalia*; where he murthered them all. This *Act*, when it was related unto *Pope Alexander*, his *Father*, by a *Cardinal*, as a Thing *Happy*, but very *Perfidious*; The *Pope* said; *It was they that broke their Covenant first, in coming all together.*

184. *Titus Quinctius*, was in the *Counsel* of the *Achaians*, what time they deliberated whether in the *War*, then to follow, between the *Romans*, and *King Antiochus*, they should confederate themselves with the *Romans*, or with *King Antiochus?* In that *Counsel* the *Ætolians*, who incited the *Achaians* against the *Romans*, to disable their *Forces*, gave great words, as if the late victory the *Romans* had obtained against *Philip* King of *Macedon*, had been chiefly by the strength and *Forces* of the *Ætolians* themselves: And on the other side the *Embassadour* of *Antiochus*, did extol the *Forces* of his *Master*; sounding what an innumerable Company, he brought in his Army; And gave the *Nations* strange *Names*; As *Elymeans*, *Caducians*, and others. After both their *Harangues*, *Titus Quinctius*, when he rose up said; *It was an easy Matter to perceive what it was, that had joyned, Antiochus, and the Ætolians together; That it appeared to be by reciprocal lying of each, touching the others Forces.*

185. *Plato* was amorous of a young *Gentleman*, whose Name was *Stella*, that studied *Astronomy*; and went oft in the clear Nights to look upon the *Stars*. Whereupon *Plato* wished himself Heaven, *that he might look upon Stella with a thousand eyes.*

186. The *Lacedemonians* were besieged by the *Athenians*, in the *Port* of *Peile*, which was won, and some slain, and some taken. There was one said, to one of them, that was taken by way of scorn; *Were they not brave Men that lost their lives at the Port of Peile?* He answered; *Certainly, a* Persian *Arrow is much to be set by, if it can chuse out a brave Man.*

187. *Clodius* was acquit by a corrupt *Jury*, that had palpably taken shares of *Money*, before they gave up their *Verdict*; they prayed of the *Senate* a *Guard*; that they might do their *Consciences*, for that *Clodius* was a very *seditious young Nobleman.* Whereupon all the World gave him

him for *Condemned.* But acquitted he was: *Catulus*, the next day seeing some of them that had acquitted him, together, said to them; *What made you ask of us a Guard? Were you afraid your money should have been taken from you.*

188. At the same *Judgment*, *Cicero* gave in *Evidence* upon *Oath*: And when the *Jury* which consisted of 57. had passed against his *Evidence*, one day in the *Senate Cicero* and *Clodius* being in Altercation, *Clodius* upbraided him, and said; *The Jury gave you no credit: Cicero* answered, *Five and Twenty gave me credit; But there were two and thirty that gave you no credit; For they had their money beforehand.*

189. Sir *Henry Savil* was asked by my *Lord of Essex*, his opinion touching *Poets?* He answered my Lord; *That he thought them the best Writers, next to them that writ Prose.*

190. *Diogenes* having seen that the Kingdom of *Macedon*, which before was contemptible and low, began to come aloft when he dyed, was asked, *How he would be buried?* He answered; *With my Face downward: For within a while, the World will be turned upside down, and then I shall lye right.*

191. *Cato* the Elder was wont to say; *That the Romans were like sheep; A Man were better to drive a flock of them, than one of them.*

192. When *Lycurgus* was to reform and alter the *State* of *Sparta*; In *Consultation* one advised that it should be reduced to an absolute *Popular Equality:* But *Lycurgus* said to him; *Sir begin it in your own House.*

193. *Bion* that was an *Atheist*, was shewed in a *Port-City*, in a *Temple* of *Neptune*, many *Tables* of *Pictures*, of such as had in *Tempests* made their *Vows* to *Neptune*, and were saved from *Shipwrack:* and was askt, *How say you now? Do you not acknowledge the power of the Gods?* But said he; *I but where are they painted, that have been drowned after their Vows.*

194. *Cicero* was at Dinner, where there was an *ancient Lady* that spake of her own years, and said; *She was but forty years old.* One that sat by *Cicero*, rounded him in the ear, and said; *She talkes of forty year old; But she is far more out of question, Cicero* answered him again; *I must beleeve her, for I have heard her say so, any time these ten years.*

195. There was a *Souldier* that vaunted before *Julius Cæsar*, of the Hurts he had received in his Face. *Julius Cæsar* knowing him to be but a Coward, told him; *you were best take heed, next time you run away, how you look back.*

196. There was a *Suitor* to *Vespasian*, who to lay his *Suit fairer*, said it was for his Brother; Whereas indeed it was for a piece of *Mony.* Some about *Vespasian* told the *Emperour*, to cross him; That the party his *Servant* spake for, was not his Brother; but that he did it upon a Bargain. *Vespasian* sent for the party interessed, and asked him; *Whether his Mean employed by him was his Brother or no?* He durst not tell untruth to the *Emperour*, and confessed He was not his *Brother.* Whereupon the *Emperour* said, *This do, fetch me the Mony, and you shall have your Suit dispatched.* Which he did. The *Courtier* which was the *Mean*, sollicited *Vespasian* soon after about his *Suit: Why, (saith Vespasian.) I gave it last day, to a Brother of mine.*

197. *Vespasian* asked of *Apollonius*; *What was the cause of Nero's Ruine?* Who answered, *Nero could tune the Harp well, but in Government he did always wind up the strings too high; or let them down too low.*

198. *Dionyſius* the *Tyrant*, after he was depoſed, and brought to *Corinth*, kept a *School*. Many uſed to viſit him; And amongſt others, one when he came in, opened his *Mantle* and ſhook his *Cloaths*; Thinking to give *Dionyſius* a gentle ſcorn; becauſe it was the manner to do ſo, for them that came in to ſee him while he was *Tyrant*. But *Dionyſius* ſaid to him; *I prethee do ſo, rather when thou goeſt out, that we may ſee thou ſtealeſt nothing away.*

199. *Diogenes* one terrible froſty Morning, came into the *Market-place*, and ſtood *Naked*, ſhaking, to ſhew his *Tolerance*. Many of the People came about him, pittying him: *Plato* paſſing by and knowing he did it to be ſeen, ſaid to the People as he went by; *If you pity him indeed let him alone to himſelf.*

200. *Ariſtippus* was earneſt Suitor to *Dionyſius* for ſome Grant, who would give no eare to his Suite. *Ariſtippus* fell at his feet, and then *Dionyſius* granted it. One that ſtood by, ſaid afterwards to *Ariſtippus*; *You a Philoſopher and be ſo baſe as to throw your ſelf at the Tyrants Feet to get a Suite: Ariſtippus* anſwered; *The fault is not mine, but the fault is in Dionyſius that carries his Ears in his Feet.*

201. *Solon* when he wept for his Sons death, and one ſaid to him; *Weeping will not help*, anſwered; *Alas therefore I weep, becauſe weeping will not help.*

202. The ſame *Solon* being aſked; *Whether he had given the Athenians the beſt Laws?* anſwered; *The beſt of thoſe that they would have received.*

203. One ſaid to *Ariſtippus*, *'Tis a ſtrange thing, why ſhould men rather give to the Poor then to Philoſophers:* He anſwered, *becauſe they think themſelves may ſooner come to be poor, then to be Philoſophers.*

204. *Trajan* would ſay of the vain Jealouſie of *Princes*, that ſeek to make away thoſe that aſpire to their ſucceſſion; *That there was never King, that did put to death his Succeſſor.*

205. When it was repreſented to *Alexander*, to the advantage of *Antipater*, who was a ſtern and Imperious Man; *That he only of all his Lieutenants, wore no Purple, but kept the Macedonian habit of black*; *Alexander* ſaid *yea, but Antipater is all Purple within.*

206. *Alexander* uſed to ſay of his two Friends, *Craterus* and *Epheſtion*; *That Epheſtion loved Alexander, and Craterus loved the King.*

207. It fell out ſo, that as *Livia* went abroad in *Rome*, there met her *naked young men* that were ſporting in the ſtreets; which *Auguſtus* went about ſeverely to puniſh in them: But *Livia* ſpake for them, and ſaid; *It was no more to chaſte Women, then ſo many Statua's.*

208. *Philip* of *Macedon* was wiſhed to baniſh one, for ſpeaking ill of him: But *Philip* anſwered; *Better he ſpeak where we are both known, then where we are both unknown.*

209. *Lucullus* entertained *Pompey* in one of his Magnificent Houſes: *Pompey* ſaid, *This is a marvellous Fair, and ſtately Houſe for the Summer; but methinks it ſhould be very cold for Winter: Lucullus* anſwered; *Do you not think me as wiſe as divers Fools are, to change my habitation in the winter ſeaſon.*

210. *Plato* entertained ſome of his Friends at a Dinner, and had in the Chamber, a *Bed* or *Couch* neatly and coſtly furniſhed. *Diogenes* came in, and got up upon the Bed, and trampled it, ſaying, *I trample upon the pride of Plato*; *Plato* mildly anſwered; *but with greater pride Diogenes.*

211. *Pompey*

211. *Pompey* being Commissioner for sending Grain to *Rome*, in time of *Dearth*, When he came to the Sea, found it very tempestuous and dangerous; Insomuch as those about him, advised him by no means to embarque; but *Pompey* said; *It is of necessity that I go, not that I live.*

212. *Demosthenes* was upbraided by *Æschines*, *That his speeches did smell of the Lamp.* But *Demosthenes* said; *Indeed there is a great deal of difference between that which you and I do by Lamp-light.*

213. *Demades* the *Oratour*, in his Age was talkative, and would eat hard: *Antipater* would say of him; *That he was like a Sacrifice, that nothing was left of it but the Tongue and the Paunch.*

214. *Themistocles* after he was banished, and had wrought himself into great favour, afterwards, so that he was honoured, and sumptuously served, seeing his present Glory said unto one of his Friends; *If I had not been undone, I had been undone.*

215. *Philo Judæus* saith, *That the sense is like the Sun; For the Sun seals up the Globe of Heaven, and opens the Globe of Earth: So the sense doth obscure Heavenly things, and reveals Earthly things.*

216. *Alexander* after the Battel of *Granicum*, had very great Offers made him by *Darius*: Consulting with his Captains concerning them, *Parmenio* said; *Sure I would except of these offers, if I were as* Alexander: *Alexander* answered; *so would I if I were as* Parmenio.

217. *Alexander* was wont to say, *He knew himself to be mortal, chiefly by two things; Sleep and Lust.*

218. *Augustus Cæsar* would say; *That he wondred that* Alexander *feared he should want work, having no more worlds to conquer: As if it were not as hard a matter to keep as to conquer.*

219. *Antigonus* when it was told him that the Enemy had such *Volleys* of Arrows that they did hide the *Sun*, said; *That falls out well, for it is hot weather, and so we shall fight in the shade.*

220. *Cato* the Elder being aged, buried his Wife, and married a young woman. His Son came to him, and said; *Sir what have I offended, that you have brought a Step-mother into your house?* The old man answered; *Nay, quite contrary Son; Thou pleasest me so well, as I would be glad to have more such.*

221. *Crassus* the Oratour had a Fish which the *Romans* called *Murena*, that he made very tame and fond of him; The Fish died, and *Crassus* wept for it. One day falling in contention with *Domitius* in the *Senate*, *Domitius* said, *Foolish* Crassus, *you wept for your* Murena. *Crassus* replied, *That's more then you did for both your Wives.*

222. *Philip*, *Alexanders* Father, gave Sentence against a Prisoner, what time he was drowsy, and seemed to give small attention. The Prisoner, after sentence was pronounced, said, *I appeal.* The King somewhat stirred, said; *To whom do you appeal?* The Prisoner answered; *From* Philip *when he gave no ear, to* Philip *when he shall give ear.*

223. There was a Philosopher that disputed with *Adrian* the Emperour, and did it but weakly. One of his Friends that stood by, afterwards said unto him: *Methinks you were not like your self last day, in Argument with the Emperour; I could have answered better my self:* Why said *the Philosopher; Would you have me contend with him, that commands thirty Legions?*

224. When

224. When *Alexander* passed into *Asia*, he gave large *Donatives* to his *Captains*, and other principal Men of *Vertue*; insomuch as *Parmenio* asked him; *Sir, what do you keep for your self?* he answered, *Hope.*

225. *Vespasian* set a *Tribute* upon *Urine*: *Titus* his son emboldened himself to speak to his *Father* of it: And represented it as a thing indigne and sordid. *Vespasian* said nothing, for the time; but a while after, when it was forgotten, sent for a piece of *Silver* out of the *Tribute-money*; And called to his Son, *bidding him to smell to it*; and asked him, *whether he found any offence?* who said, *No*: *Why so*, saith *Vespasian* again; *Yet this comes out of Urine.*

226. *Nerva*, the Emperour, succeeded *Domitian*, who had been *Tyrannical*; and in his time many *Noble Houses* were overthrown by false Accusations; The Instruments whereof were chiefly, *Marcellus* and *Regulus*. The Emperour *Nerva* one night sup'd privately with some six or seven: Amongst which there was one that was a dangerous Man; and began to take the like courses, as *Marcellus* and *Regulus* had done. The Emperour fell into Discourse of the *Injustice* and *Tyranny* of the former *Time*; And by Name, of the two *Accusers*; And said; *What should we do with them, if we had them now?* One of them that was at Supper, and was a free-spoken *Senatour*, said; *Marry, they should sup with us.*

227. There was one that found a great *Mass* of *Money* digged under ground in his *Grand-fathers-House*; And being somewhat doubtful of the *Case*, signified it to the *Emperour*, that he had found such Treasure. The Emperour made a *Rescript* thus; *Use it.* He writ back again; That the *summe* was greater then his *Estate* or *Condition* could use. The Emperour writ a new *Rescript*, thus; *Abuse it.*

228. *Julius Cæsar*, as he passed by, was by *Acclamation* of some that stood in the way, termed *King*; to try how the *People* would take it. The *People* shewed great murmure and distaste at it. *Cæsar* finding where the wind stood, slighted it, and said; *I am not King, but Cæsar*: As if they had mistaken his Name. For *Rex* was a *surname* amongst the *Romans*, as *King* is with us.

229. When *Crœsus*, for his glory, shewed *Solon* his great *Treasures* of *Gold*; *Solon* said to him; *If another* King *come that hath better iron than you, he will be master of all this Gold.*

230. *Aristippus* being reprehended of *Luxury*, by one that was not rich; for that he gave *six Crowns* for a small *Fish*; answered, *Why, what would you have given?* The other said, some *Twelve pence*. *Aristippus* said again; *And six Crowns is no more with me.*

231. *Plato* reprehended severely a *young man*, for entring into a *dissolute house*. The *young man* said to him; *why do you reprehend so sharply for so small a matter? Plato* replyed, *But custom is no small matter.*

232. *Archidamus*, *King of Lacedemon*, having received from *Philip*, King of *Macedon* (After *Philip* had won the *victory* of *Cheronea*, upon the *Athenians*) proud *Letters*, writ back to him; *That if he measured his own shadow, he would find it no longer then it was before his victory.*

233. *Pyrrhus*, when his Friends congratulated to him his victory over the *Romans*, under the *Conduct* of *Fabritius*, but with great slaughter of his own side, said to them again; *yes, but if we have such another victory, we are undone.*

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234. *Plato*

234. *Plato* was wont to say of his Master *Socrates*; *That he was like the* Apothecaries *Galley-Pots*; *that had on the out-side Apes, and Owls, and Satyrs*; *but within precious Drugs.*

235. *Alexander* sent to *Phocyon* a great Present of money. *Phocion* said to the *Messenger*; *Why doth the King send to me, and to none else?* The *Messenger* answered, *Because he takes you to be the only good man in* Athens. *Phocyon* replyed; *If he think so, pray let him suffer me to be so still.*

236. At a *Banquet*, where those that were called the *seven Wise men* of *Greece*, were invited by the *Embassadour* of a Barbarous *King*; The *Embassadour* related; That there was a *Neighbour mightier* then his *Master*, pick quarrels with him, by making impossible Demands, otherwise threatning *War*, and now at that present had demanded of him, *to drink up the Sea.* Whereunto one of the *wise men said*, *I would have him undertake it.* *Why*, saith the Embassadour, *how shall he come off?* *Thus*, (saith the *Wise man*) *let that King first stop the Rivers, which run into the Sea*; *which are no part of the bargain*; *and then your Master will perform it.*

237. At the same *Banquet*, the *Embassadour* desired the *seven*, and some other *wise men* that were at the *Banquet*, to deliver every one of them some *sentence* or *Parable*. that he might report to his *King* the the wisdom of *Grecia*, which they did: only one was silent: which the *Embassadour* perceiving, said to him; *Sir, let it not displease you*; *why do not you say somewhat, that I may report?* he answered, *Report to your Lord, that there are of the* Grecians *that can hold their peace.*

238. The *Lacedemonians* had in custom to speak very short, which being an *Empire*, they might do at pleasure: but after their Defeat at *Leuctra*, in an *Assembly* of the *Grecians*, they made a long *Invective* against *Epaminondas*; Who stood up, and said no more but this; *I am glad we have brought you to speak long.*

239. *Fabius Maximus* being resolved to draw the *War* in length, still waited upon *Hannibals* progress to curb him: And for that purpose he *encamped* upon the High Ground: But *Terentius* his *Colleague*, fought with *Hannibal*, and was in great peril of overthrow, But then *Fabius* came down from the *High Grounds*, and got the day. Whereupn *Hannibal* said; *That he did ever think that that same cloud that hanged upon the Hills, would at one time or other give a Tempest.*

240. *Hanno* the *Carthaginian*, was sent Commissioner by the State, after the *second Carthaginian War*, to supplicate for *Peace*; And in the end obtain'd it: yet one of the sharper *Senators* said; *you have often broken with us the Peaces, whereunto you have been sworn*; *I pray, by what God will you swear?* Hanno answered; *by the same gods that have punished the former perjury so severely.*

241. *Cæsar* when he first possessed *Rome*, *Pompey* being fled, offered to enter the *sacred Treasury* to take the *Moneys* that were there stored: And *Metellus*, *Tribune of the People*, did forbid him; And when *Metellus* was violent in it, and would not desist; *Cæsar* turned to him, and said; *Presume no further, or I will lay you dead.* And when *Metellus* was with those words somewhat astonished, *Cæsar* added; *Young man, it had been easier for me to do this, than to speak it.*

242. *Caius*

242. *Caius Marius*, was General of the *Romans* againſt the *Cimbers*, who came with ſuch a Sea of *People* upon *Italy*. In the fight there was a *Band* of the *Cadurcians* of a thouſand, that did notable ſervice; whereupon, after the Fight, *Marius* did *deniſon* them all for *Citizens* of *Rome*, though there was no Law to warrant it. One of his *Friends* did preſent it unto him; That he had tranſgreſſed the Law, becauſe that priviledge was not to be granted but by the people. Whereunto *Marius* anſwered; *That for the noyſe of Arms he could not hear the Laws.*

243. *Pompey* did conſummate the *War* againſt *Sertorius*, when *Metellus* had brought the Enemy ſomewhat low. He did alſo conſummate the *War* againſt the *Fugitives*, whom *Craſſus* had before defeated in a great Battel. So when *Lucullus* had had great and glorious *Victories* againſt *Mithridates* and *Tigranes*; yet *Pompey* by means his friends made, was ſent to put an end to that War. Whereupon *Lucullus* taking indignation, as a diſgrace offered to himſelf, ſaid; *That* Pompey *was a Carrion Crow, when others had ſtrucken down the bodies, then* Pompey *came and preyd upon them.*

244. *Antiſthenes* being asked of one *what learning was moſt neceſſary for mans life?* Anſwered, To unlearn that which is nought.

245. *Alexander* viſited *Diogenes* in his *Tub*; And when he asked him, what he would deſire of him? *Diogenes* anſwered; *That you would ſtand a little aſide, that the Sun may come to me.*

246. The ſame *Diogenes*, when *Mice* came about him, as he was eating, ſaid; *I ſee, that even* Diogenes *nouriſheth* Paraſites.

247. *Hiero* viſited by *Pythagoras*, askt him; *Of what condition he was?* Pythagoras anſwered; *Sir, I know you have been at the* Olympian Games: *yes*, ſaith Hiero. *Thither* (ſaith Pythagoras) *come ſome to win the prizes. Some come to ſell their Merchandize, becauſe it is a kind of Mart of all* Greece. *Some come to meet their Friends and to make merry; Becauſe of the great confluence of all ſorts. Others come only to look on. I am one of them that come to look on*; meaning it, of *Philoſophy*, and the *contemplative life.*

248. *Heraclitus* the *obſcure* ſaid; *The dry light is the beſt Soul:* meaning when the *faculties intellectual* are in vigour; not *drenched*, or as it were, *blounded* by the *affections.*

249. One of the *Philoſophers* was asked; *what a wiſe man differed from a fool?* He anſwered, *ſend them both Naked to thoſe that know them not, and you ſhall perceive.*

250. There was a *Law* made by the *Romans*, againſt the *Bribery* and *Extortion* of the *Governours of Provinces*. *Cicero* ſaith in a ſpeech of his to the People; *That he thought the Provinces would Petition to the ſtate of* Rome *to have that Law repealed. For* (ſaith he) *before the Governours did bribe and extort, as much as was ſufficient for themſelves: But now they bribe and extort as much, as may be enough, not only for themſelves, but for the Judges, and Jurors, and Magiſtrates.*

251. *Ariſtippus* ſayling in a *Tempeſt*, ſhewed ſigns of fear. One of the Seamen ſaid to him, in an inſulting manner; *We that are* Plebeians, *are not troubled; you that are a* Philoſopher, *are afraid.* Ariſtippus anſwered; *That there is not the like wager upon it, for you to periſh and for me.*

252. There was an *Orator*, that defended a cauſe of *Ariſtippus*, and prevailed. Afterwards, he asked *Ariſtippus*; *Now, in your diſtreſs,*

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what did Socrates *do you good?* Aristippus answered, *Thus, in making that which you said of me to be true.*

253. There was an *Epicurean* vaunted, that divers of other *Sects* of *Philosophers* did after turn *Epicureans*; But there was never any *Epicurean* that turned to any other *Sect*. Whereupon a *Philosopher* that was of another *Sect*, said; *The reason was plain, for that Cocks may be made Capons; but Capons could never be made Cocks.*

254. *Chilon* would say: *That Gold was tryed with the touchstone; and men with Gold.*

255. *Simonides* being askt of *Hiero* what he thought of *God?* asked a seven-nights time to consider of it: And at the seven-nights end, he asked a Fort-nights time: At the Fort-nights end, a Moneth. At which *Hiero* marvelling, *Simonides* answered; *That the longer he thought upon the matter, the more difficult he found it.*

256. *Socrates*, when there was shewed unto him the Book of *Heraclitus* the *obscure*; And was asked his opinion of it; answered, *Those things that I understood, were excellent; I imagine, so were those that I understood not; But they require a Diver of Delos.*

257. *Socrates* was pronounced by the *Oracle* of *Delphos*, to be the *wisest man* of *Greece*; which he would put from himself, In *modesty*, saying; *There could be nothing in himself to verifie the Oracle except this; That he was not wise, and knew it; And others were not wise, and knew it not.*

358. A *Spaniard* was censuring to a *French Gentleman* the want of *Devotion*, amongst the *French*; In that, whereas in *Spain*, when the *Sacrament* goes to the *sick*, any that meets with it, turns back and waits upon it to the house whether it goes; But in *France*, they only do *Reverence*, and pass by. But the *French Gentleman* answered him; *There is reason for it; For here with us, Christ is secure amongst his Friends; But in* Spain *there be so many Jews, and Marano's, that it is not amiss for him to have a Convoy.*

259. Mr. *Popham*, (afterwards Lord chief Justice *Popham*) when he was Speaker; And the *House* of *Commons* had sate long and done, in effect nothing; coming one day to *Queen Elizabeth*, she said to him; *Now* Mr. Speaker; *what hath passed in the Commons House?* He answered, *If it please your Majesty seven weeks.*

260. *Agathocles*, after he had taken *Syracusa*, the men whereof during the siege, had in a bravery spoken of him, all the *Villany* that might be; sold the *Syracusans* for *slaves*, and said; *Now if you use such words of of me, I will tell your Masters of you.*

261. *Themistocles*, in his *lower Fortune*, was in love with a young gentleman who scorned him; but when he grew to his Greatness, which was soon after he sought him; *Themistocles* said; *We are both grown wise, but too late.*

262. *Bion* was sailing, and there fell out a great Tempest; and the *Mariners* that were wicked and dissolute fellows, called upon the *Gods*; but *Bion* said to them, *peace, let them not know you are here.*

263. The Turks made an *expedition* into *Persia*; and because of the *strait Jaws* of the *Mountains* of *Armenia*, the *Bashaws* consulted which way they should get in? One that heard the *Debate* said; *here's much ado how you shall get in; but I hear no body take care how you should get out.*

264. *Philip* King of *Macedon*, maintained arguments with a *Musician* in points of his Art, somewhat peremptorily; but the *Musician* said to him; *God forbid Sir, your Fortune were so hard, that you should know these things better then my self.*

265. *Antalcidas*, when an *Athenian* said to him, *Ye* Spartans *are unlearned*, said again; *True, for we have learned no evil nor vice of you.*

266. *Pace* the bitter *Fool*, was not suffered to come at *Queen Elizabeth*, because of his bitter Humour. Yet at one time, some perswaded the *Queen* that he should come to her; undertaking for him, that he should keep within compass, so he was brought to her, and the *Queen* said; *come on* Pace, *now we shall hear of our faults*, saith *Pace*; *I do not use to talk of that, that all the Town talks of.*

267. Bishop *Latimer* said, in a Sermon at Court; *That he heard great speech that the King was poor; And many ways were propounded to make him Rich: For his part, he had thought of one way, which was; That they should help the King to some good Office; for all his Officers were rich.*

268. After the defeat of *Cyrus* the younger, *Falinus* was sent by the King to the Grecians, (who had for their part rather victory, than otherwise) to command them to yield their arms; which when it was denied, *Falinus* said to *Clearchus*; *Well then, the King lets you know, that if you remove from the place where you are now encamped, it is War: if you stay it is Truce: What shall I say you will do?* Clearchus answered, *It pleaseth us, as it pleaseth the King. How is that?* saith Falinus, saith Clearchus; *If we remove, War; If we stay, Truce*; and so would not disclose his purpose.

269. *Alcibiades* came to *Pericles*, and stayed a while e're he was admitted. When he came in, *Pericles* civilly excused it, and said; *I was studying how to give mine account.* But *Alcibiades* said to him, *If you will be ruled be me, study rather how to give no account.*

270. *Mendoza* that was Vice-Roy of *Peru*, was wont to say; *That the Government of* Peru *was the best place that the King of* Spain *gave, save that it was somewhat too near* Madrid.

271. When *Vespasian* passed from Jury, to take upon him the Empire, he went by *Alexandria*, where remained two famous Philosophers; *Apollonius* and *Euphrates*. The Emperour heard the discourse, touching matter of State, in the presence of many. And when he was weary of of them, he brake off, and in a secret derision, finding their Discourses but speculative, and not to be but in practise, said; *Oh that I might govern wise men, and wise men govern me.*

272. Cardinal *Ximenes*, upon a Muster, which was taken against the Moors, was spoken to by a Servant of his to stand a little out of the smoke of the Harquebuze, but he said again, *That that was his incense.*

273. *Nero* was wont to say of his Master *Seneca*, *That his stile was like mortar without lime.*

274. A certain Countrey man being at an Assizes, and seeing the Prisoners holding up their hands at the Bar, related to some of his acquaintance: *That the Judges were good Fortune-Tellers; For if they did but look upon a mans hand, they could tell whether he should live or dye.*

275. *Augustus Cæsar*, out of great indignation against his two Daughters; and *Posthumus Agrippa*, his Grand-child, whereof the two first were infamous; and the last otherwise unworthy, would say; *That*

they

they were not his ſeed, but ſome impoſthumes that had broken from him.

276. A Seaman coming before the Judges of the Admiralty for admittance into an Office of a Ship, bound for the Indies, was by one of the Judges much ſlighted, as an inſufficient perſon for that Office he ſought to obtain; the Judge telling him, *That he believed he could not ſay the points of his Compaſs.* The Seaman anſwered: *That he could ſay them, under favour, better then he could ſay his* Pater-Noſter. The Judge replyed; *That he would wager Twenty ſhillings with him upon that.* The Seaman taking him up, it came to Tryal: And the Seaman began, and ſaid all the points of his Compaſs very exactly: The Judge likewiſe ſaid his *Pater-noſter*: and when he had finiſhed it, he required the wager, according to agreement; *Becauſe the Seaman was to ſay his Compaſs better, than he his* Pater-noſter; *which he had not performed. Nay, I pray Sir, hold,* (quoth the Seaman) *The wager is not finiſhed; For I have but half done:* And ſo he immediately ſaid his Compaſs backward very exactly; which the Judge failing of in his Pater-Noſter, the Seaman carryed away the Prize.

277. There was a Conſpiracy againſt the Emperour *Claudius*, by *Scribonianus*, examined in the Senate; where *Claudius* ſate in his Chair, and one of his Freed Servants ſtood at the back of his Chair. In the Examination, that Freed Servant, who had much power with *Claudius*, very ſawcily, had almoſt all the words: And amongſt other things, he asked in ſcorn, one of the Examinates, who was likewiſe Freed Servant of *Scribonianus*; *I pray Sir, if* Scribonianus *had been* Emperour, *what would you have done?* he anſwered, *I would have ſtood behind his Chair and held my peace.*

278. One was ſaying; *That his great Grand-father, and Grand-father, and Father Died at Sea:* Said another, that heard him; *And I were as you, I would never come at Sea. Why* (ſaith he) *where did your great Grand-father, and Grand-father, and Father dye?* He anſwered; *Where, but in their Beds?* He anſwered; *And I were as you, I would never come in Bed.*

279. There was a diſpute, whether great Heads, or little Heads had the better Wit? And one ſaid; *It muſt needs be the little; For that it is a Maxime; Omne majus continet in ſe minus.*

280. Sir *Thomas Moor*, when the Counſel of the party preſſed him for a longer day to perform the Decree, ſaid; *Take Saint* Barnabies *day, which is the longeſt day in the year.* Now Saint *Barnabies day, was within few days following.*

281. One of the Fathers ſaith; *That there is but this difference between the death of old Men, and young Men; That old Men go to Death; and Death comes to young Men.*

282. *Caſſius*, after the Defeat of *Craſſus* by the *Parthians*, whoſe weapons were chiefly Arrows; Fled to the City of *Carras*; where he durſt not ſtay any time, doubting to be purſued, and beſieged, he had with him an Aſtrologer, who ſaid to him: *Sir, I would not have you go hence, while the Moon is in the ſign of* Scorpio. *Caſſius* anſwered, *I am more afraid of that of* Sagittarius.

283. *Jaſon* the *Theſſalian*, was wont to ſay; *That ſome things muſt be done unjuſtly, that many things may be done juſtly.*

284. There

284. There was an Harbinger had lodged a Gentleman in a very ill Room, who expostulated with him somewhat rudely: but the Harbinger carelesly said; *you will take pleasure in it, when you are out of it.*

285. *Demetrius* King of *Macedon*, would at times retire himself from business, and give himself wholly to pleasures. One of those his retirings, giving out that he was sick, his Father, *Antigonus*, came on the sudden to visit him; and met a fair dainty youth coming out of his chamber. When *Antigonus* came in, *Demetrius* said; *Sir the Feaver left me right now.* Antigonus replyed; *I think it was he that I met at the door.*

286. *Cato Major* would say, *That wise men learned more by Fools, than Fools by wise men.*

287. When it was said to *Anaxagoras*; *The Athenians have condemned you to dye*; He said again; *And nature them.*

288. *Alexander*, when his Father wished him to run for the prize of the Race, at the Olympian Games; (for he was very swift) answered; *He would if he might run with Kings.*

289. *Antigonus* used often to go disguised, and to listen at the Tents of his Souldiers; And at a time heard some that spoke very ill of him. Whereupon he opened the Tent at little, and said to them; *If you would speak ill of me, you should go a little further off.*

290. *Aristippus* said; *That those that studied particular Sciences, and neglected Philosophy; were like* Penelopes *wooers, that made love to the waiting-woman.*

291. The Embassadours of *Asia Minor*, came to *Antonius*, after he had imposed upon them a double Tax; and said plainly to him; *That if he would have two Tributes in one year; He must give them two seed times, and two Harvests.*

292. An Orator of *Athens*, said to *Demosthenes*; *The* Athenians *will kill you, if they wax mad:* Demosthenes replyed, *and they will kill you if they be in good sense.*

293. *Epicletus* used to say; *That one of the vulgar, in any ill that happens to him, blames others; A Novice in Philosophy blames himself: And a Philosopher blames neither the one nor the other.*

294. *Cæsar* in his Book, that he made against *Cato*, (which is lost) did write to shew the force of opinion and reverenee, of a Man that had once obtained a popular Reputation; *That there were some that found* Cato *drunk, and were ashamed instead of* Cato.

295. There was a Nobleman said of a great Counsellour; *That he would have made the worst Farrier in the world; for she never shod Horse, but he cloyed him: For he never commended any man to the King for service, or upon occasion of suite, or otherwise, but that he would come in, in the end with a But; and drive in a Nayle to his disadvantage.*

296. *Diogenes* called an ill Physician, *Cock, Why?* (saith he) *Diogenes* answered; *Because when you Crow, men use to rise.*

297. There was a Gentleman fell very sick, and a Friend of his said to him; *surely, you are in danger; I pray send for a Physician:* But the sick man answered; *It is no matter, for if I dye, I will dye at leisure.*

298. *Cato* the Elder, what time many of the *Romans* had statua's erected in their honour; was asked by one in a kind of wonder, *why he had none?* He answered, *he had much rather men should ask, and wonder, why he had no Statua, then why he had a Statua.*

299. A certain friend of Sir *Thomas Moors*, taking great pains about a Book, which he intended to publiſh (being well conceited of his own wit, which no man elſe thought worthy of commendation) brought it to Sir *Thomas Moor* to peruſe it, and paſs his judgment upon it; which he did: And finding nothing therein worthy the Preſs; he ſaid to him with a grave Countenance; *That if it were in verſe, it would be more worthy.* Upon which words, he went immediately and turned it into verſe, and then brought it to Sir *Thomas* again, who looking thereon, ſaid ſoberly; *yes marry, now it is ſomewhat; for now it is Rhime; whereas before it was neither Rhime nor Reaſon.*

300. Sir *Henry Wotton* uſed to ſay: *That Criticks were like Bruſhers of Noble Mens Cloaths.*

301. *Hannibal* ſaid of *Fabius Maximus*, and of *Marcellus*; whereof the former waited upon him, that he could make no progreſs: and the latter had many ſharp fights with him) *That he feared* Fabius *like a Tutor: And* Marcellus *like an Enemy.*

302. When *King Edward the ſecond*, was amongſt his Torturers, who hurried him too and fro, That no man ſhould know where he was, they ſet him down upon a Bank: And one time the more to diſguiſe his Face, ſhaved him, and waſhed him with cold water of a Ditch by: *The King* ſaid: *Well, yet, I will have warm water for my Beard:* And ſo ſhed abundance of Tears.

303. One of the ſeven was wont to ſay; *That Laws were like Cop-webs: where the ſmall Flies were caught, and the great brake through.*

304. *Lewis* the Eleventh of *France*, having much abated the greatneſs and power of the Peers, Nobility, and Court of Parliament, would ſay; *That he had brought the Crown out of Ward.*

305. There was a cowardly Spaniſh Souldier, that in a Defeat the *Moors* gave, ran away with the foremoſt. Afterwards when the Army generally fled, this Souldier was miſſing. Whereupon it was ſaid by ſome, *that he was ſlain: No ſure* (ſaith one) *He is alive; For the* Moors *eat no Hares Fleſh.*

306. A Gentleman that was punctual of his word, and loved the ſame in others: when he heard that two perſons had agreed upon a meeting, about ſerious affairs, at a certain time and place; And that the one party failed in the performance, or neglected his Hour; would uſually ſay of him; *He is a young man then.*

307. *Anacharſis* would ſay, concerning the popular Eſtates of *Græcia. That he wondred how at* Athens, *Wiſe men did propoſe, and Fools diſpoſe.*

308. His Lordſhip, when he had finiſhed this Collection of Apophthegms, concluded thus; *Come now, all is well: They ſay, he is not a wiſe man that will looſe his friend, for his wit: But he is leſs a wiſe man, that will looſe his friend, for another mans wit.*

FINIS.

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SEVERAL

LETTERS,

WRITTEN BY THIS

Honourable Author,

TO

QUEEN ELIZABETH,

KING JAMES,

DIVERS

L O R D S,

AND OTHERS.

LONDON,
Printed by *T. R.* for *William Lee*, at the sign of the *Turks-Head* in *Fleetstreet*, 1671.

A

LETTER

To the LORD TREASURER,

BURGHLEY,

In Excuſe of his SPEECH, in

PARLIAMENT,

Againſt the

TRIPLE SUBSIDIE.

It may pleaſe your Lordſhip,

I Was ſorry, to find, by your *Lordſhips Speech*, yeſterday, that my laſt *Speech*, in *Parliament*, delivered, in diſcharge, of my Conſcience, and Duty to *God*, her *Majeſty*, and my *Countrey*, was offenſive. If it were miſreported, I would be glad, to attend your *Lordſhip*, to diſavow any thing, I ſaid not; if it were miſconſtrued, I would be glad, to expound my ſelf, to exclude any ſenſe, I meant not. If my Heart be misjudged, by Imputation of Popularity, or Oppoſition, by any envious, or officious Informer, I have great wrong; And the greater, becauſe the Manner of my *Speech*, did moſt evidently ſhew, that I ſpake ſimply; And only, to ſatisfie my Conſcience, and not with any Advantage, or Policy, to ſway the Cauſe: And my Terms, carried all ſignification, of Duty, and Zeal, towards her *Majeſty*, and her Service. It is true, that from the Beginning, whatſoever was above a *Double Subſidie*, I did wiſh, might, (for preſident ſake) appear to be extraordinary; And, (for Diſcontents ſake) mought not have been levied, upon the Poorer ſort: Though otherwiſe, I wiſhed it as Riſing, as I think this will prove, and more. This was my mind, I confeſs it. And therefore, I moſt humbly pray, your good Lordſhip, Firſt, to continue me in your own good Opinion; And then, to perform the part, of an *Honourable Friend*, towards your poor *Servant*, and *Alliance*; In drawing her *Majeſty*, to accept, of the Sincerity, and Simplicity, of my Heart; And to bear with the reſt, and reſtore me, to her *Majeſties* Favour.

A Letter *to the* Lord Treaſurer Burghley, *recommending his firſt* Sute, *touching the* Sollicitors *place.*

After the remembrance of my moſt humble Duty,

THough I know, by late Experience, how mindful your *Lordſhip* vouchſafeth to be of me, and my poor Fortunes; ſince it pleaſed your *Lordſhip*, during your Indiſpoſition, when her *Majeſty* came to viſit your *Lordſhip*, to make mention of me, for my Employment, and preferment; yet being now in the Countrey, I do preſume, that your *Lordſhip*, who of your Self, had ſo Honourable care of the matter, will not think it a Trouble, to be ſollicited therein. My hope is, that whereas your *Lordſhip* told me, her *Majeſty* was ſomewhat graveled upon the Offence, ſhe took, at my *Speech* in *Parliament*, your *Lordſhips* favourable, and good word, (who hath aſſured me, that for your own part, you conſtrued, that I ſpake, to the beſt,) will be as a good *Tide*, to remove her from that *Shelf*. And it is not unknown to your *Lordſhip*, that I was the firſt, of the Ordinary Sort, of the *Lower Houſe of Parliament*, that ſpake for the *Subſidy*; And that, which I after ſpake in difference, was but in Circumſtances of Time and Manner, which methinks ſhould be no greater Matter, ſince there is Variety allowed in *Counſel*, as a Diſcord in *Muſick*, to make it more perfect. But I may juſtly doubt, not ſo much her *Majeſties* Impreſſion upon this particular, as her Conceit otherwiſe, of my Inſufficiency; which though I acknowledge to be great, yet it will be the leſs, becauſe I purpoſe not to divide my ſelf between her *Majeſty*, and the *Cauſes* of other Men, (as others have done) but to attend her Buſineſs only; Hoping that a whole Man meanly able, may do as well as half a Man better able. And if her *Majeſty* think that ſhe ſhall make an Adventure in uſing one, that is rather a Man of Study, than of Practice and Experience; Surely, I may remember to have heard that my *Father*, (an Example I confeſs, rather Ready than Like; was made *Sollicitor*, of the *Augmentation*, (a *Court* of much Buſineſs) when he had never practiced, and was but twenty ſeven years old: And Mr. *Brograve* was now, in my time, called to be *Attorney* of *the Dutchy*, when he had practiſed little or nothing: And yet diſcharged his place with great Sufficiency. But theſe things and the like, are, as her Majeſty ſhall be made capable of them: wherein, knowing what Authority, your *Lordſhips* Commendation hath with her *Majeſty*, I conclude with my Self, that the Subſtance of ſtrength which I may receive, will be from your *Lordſhip*. It is true, my Life hath been ſo private, as I have had no means to do your *Lordſhip* ſervice; but yet, as your *Lordſhip* knoweth, I have made offer of ſuch as I could yield: For as *God* hath given me a mind to love the *Publick*; ſo incidently, I have ever had your *Lordſhip* in ſingular Admiration; whoſe happy Ability her *Majeſty* hath ſo long uſed, to her great Honour and yours. Beſides, that Amendment of State or Countenance, which I have received, hath been from your *Lordſhip*. And therefore if your *Lordſhip* ſhall ſtand a good Friend to your poor *Allie*, you ſhall but *Tuerè Opus proprium*, which you have begun. And your *Lordſhip* ſhall beſtow your benefit upon one that hath more ſenſe of Obligation than of Self-love. Thus humbly deſiring pardon, of ſo long a *Letter*, I wiſh your *Lordſhip* all Happineſs. This 7th of *June*, 1595.

A Letter to Queen Elizabeth, *upon the ſending of a* New-years Gift.

It may pleaſe your Majeſty,

ACcording to the Ceremony, of the Time, I would not forget, in all humbleneſs, to preſent your *Majeſty* with a ſmall *New-years Gift*: Nothing to my Mind. And therefore to ſupply it, I can but pray to *God* to give your *Majeſty* his *New years Gift*; that is, a *New-year* that ſhall be as no *year* to your *Body*; And as a *year* with two *Harveſts* to your *Coffers*; And every other way proſperous and gladſom. And ſo I remain.

A Letter *to* Queen Elizabeth, *upon the ſending of a* New-years Gift.

Moſt excellent Soveraign Miſtris,

THe only *New years Gift* which I can give your *Majeſty*, is that which *God* hath given to me: which is, a Mind, in all humbleneſs, to wait upon your Commandements and Buſineſs: Wherein I would to *God*, that I were hooded, that I ſaw leſs; Or that I could perform more: For now I am like a *Hawk*, that *bates*, when I ſee occaſion of ſervice, but cannot fly becauſe I am tyed to anothers Fiſt. But mean while, I continue my preſumption of making to your *Majeſty*, my poor Oblation of a *Garment*, as unworthy the wearing as his ſervice that ſends it: But the Approach to your Excellent *Perſon* may give worth to both: which is all the Happineſs I aſpire unto.

A Letter *of* Advice *to the* Earl of Eſſex, *to take upon him the Care of* Iriſh *Cauſes, when Mr.* Secretary Cecill *was in* France.

My Singular good Lord,

I Do write, becauſe I had no time fully to expreſs my Conceit to your *Lordſhip*, touching *Iriſh* Affairs; conſidering them as they may concern your *Lordſhip*; Knowing that you will conſider them, as they may concern the *State*. That it is one of the apteſt particulars that hath come, or can come upon the *Stage* for your *Lordſhip* to purchaſe Honour upon, I am moved to think for three Reaſons. Becauſe, it is ingenerate, in your *Houſe*, in reſpect of my *Lord*, your *Fathers* Noble Attempts: Becauſe of all the *Actions* of *State* on foot at this time, the Labour reſteth moſt in that particular; And becauſe the *World* will make a kind of Compariſon, between thoſe that ſet it out of Frame, and thoſe that bring it into Frame: which kind of *Honour* giveth the quickeſt kind of *Reflection*.

ction. The Transferring this Honour upon your ſelf, conſiſteth in two *points* : The one, if the *Principal Perſons* imploy'd, come in by you and depend upon : The other, if your *Lordſhip* declare your ſelf and profeſs to undertake a Care of that *Kingdom.* For the *Perſons* it falleth out well that your *Lordſhip* hath had no Intereſt in the *Perſons* of *Imputation* : For neither, Sir *William Fitz-Williams*, nor Sir *John Norrice*, was yours. Sir *William Ruſſel* was conceived yours but was curbed. Sir *Coniers Clifford* (as I conceive it) dependeth on you, who is ſaid to do well And if my *Lord* of *Ormond*, in this Interim, doth accommodate things well, (as it is ſaid he doth) I take it he hath alwayes had good Underſtanding with your *Lordſhip* : So as all things, hitherto, are not only whole and entire but of favourable Aſpect towards your *Lordſhip*, if hereafter you chooſe well. Concerning the Care of *Buſineſs*, the general and popular Conceit hath been, that *Iriſh Cauſes* have been much neglected; whereby the Reputation of better Care will put Life into them. But for a Beginning and Key to that which ſhall follow; It were good your *Lordſhip* would have ſome large and ſerious Conference with Sir *William Ruſſel*, Sir *Richard Bingham*, the *Earl* of *Toumond*, and Mr. *Wilbraham*, To know their *Relation* of the paſt; Their *Opinion* of the preſent; and Their *Advice* for the future.

For the *Points* of *Appoſing* them, I am too much a ſtranger to the Buſineſs to deduce them : But in a general *Topique* methinks, the pertinent *Interrogations* muſt be; Either of the Poſſibility and Means of Accord; or, of the Nature of the War; or of the Reformation of Abuſes; or of the joyning of Practice with Force in the Diſunion of the *Rebels.* If your *Lordſhip* doubt to put your *Sickle* into anothers *Harveſt*; Firſt, *Time* brings it to you in Mr. *Secretaries* Abſence : Next being mixt with matter of War, it is fitteſt for you : And laſtly, I know your *Lordſhip* will carry it with that Modeſty and Reſpect towards Aged *Dignity*; And that good Correſpondence towards my dear *Kinſman* and your good *Friend* now abroad, as no Inconvenience may grow that way.

Thus have I played the Ignorant *Stateſman*; Which I do to No Body but your *Lordſhip*; except to the *Queen* ſometimes when ſhe train's me on. But your *Lordſhip* will accept my Duty and good meaning; And ſecure me touching the privateneſs of that I write.

A Letter of Advice to the Earl *of* Eſſex, *upon the firſt* Treaty *with* Tyrone 1598, *before the* Earl *was nominated for the Charge of* Ireland.

My very good Lord.

CONcerning the *Advertiſements*, which your *Lordſhip* imparted to me, touching the *State* of *Ireland*, for willing Duties ſake, I will ſet down to your *Lordſhip*, what Opinion, ſprang in my Minde, upon that I read.

The *Letter* from the *Counſel*, there, leaning to miſtruſt, and diſſwade the *Treaty*, I do not much rely on, for 3. *Cauſes.* Firſt, becauſe it is alwayes, the Grace, and the Safety, of ſuch a Counſel, to erre in Caution : wherunto add that it may be, they, or ſome of them, are not without Envy, towards

towards the *Perſon*, who is uſed, in treating the Accord. Next, becauſe the Time of this *Treaty*, hath no ſhew of Diſſimulation; For that *Tyrone* is now in no ſtraights; but he is more like a Gamſter, that will give over, becauſe he is a Winner, than becauſe he hath no more Money in his Purſe. Laſtly, I do not ſee, but thoſe *Articles*, whereupon they ground their Suſpicion, may as well proceed out of *Fear*, as out of *Falſehood*. For the Retaining, the *Dependance* of the *Triaghts*; The protracting, the Admiſſion, of a Sheriff; the Refuſing to give his *Son* for an *Hoſtage*; The Holding off from preſent Repair to *Dublin*; The Refuſing to go preſently to Accord, without including *Odonnell*, and other his *Aſſociates*; May very well come, of an Apprehenſion, in caſe he ſhould receive hard meaſure; And not out of *Treachery*, So as if the *great Perſon*, you write of, be faithful; And that you have not heard, ſome preſent Intelligence of preſent *Succours*, from *Spain*; (For the Expectation whereof, *Tyrone* would win time;) I ſee no deep Cauſe of Diſtruſting this Courſe of *Treaty*, if the main *Conditions* may be good. For her *Majeſty* ſeemeth to me, to be a Winner thereby, three wayes; Firſt, her *purſe* ſhall have ſome Reſt: Next, it will divert, the Forein *Deſigns*, upon the *Place*: Thirdly, though her *Majeſty* be like for a time to govern but *precario*, in the North; And be not, (as to a true Command) in better ſtate there than before; yet, beſides the two reſpects of Eaſe of Charge, and Advantage of Opinion abroad, before mentioned, ſhe ſhall have time to uſe her Princely policy in two points to weaken them. The one, by Diviſion and Diſunion of the Heads; The other, by Recovering and Winning the *People*, from them, by *Juſtice*; which of all other Courſes is the beſt.

Now for the *Athenian Queſtion*; you diſcourſe well; *Quid igitur agendum eſt?* I will ſhoot my Fools Bolt, ſince you will have it ſo. The Earl of *Ormond*, to be incouraged and comforted. Above all Things, the *Garriſons* to be inſtantly provided for. For *Opportunity maketh a Thief*: And if he ſhould mean never ſo well now; yet ſuch an Advantage as the Breaking of her *Majeſties Garriſons*, might tempt a true Man.

And becauſe, he may as well waver upon his own Inconſtancy as upon Occaſion; (And wanton Variableneſs is never reſtrained but by Fear;) I hold it neceſſary he be menaced with a *ſtrong War*: Not by *Words*, but by *Muſters* and *preparations* of *Forces* here, in caſe the Accord proceed not: But none to be ſent over, leſt it diſturb the Treaty, and make him look to be over-run as ſoon as he hath laid away Arms. And but that your *Lordſhip* is too eaſie to paſs in ſuch Caſes, from Diſſimulation to Verity; I think, if your *Lordſhip* lent your Reputation in this Caſe; That is, To pretend, that if Peace go not on, and the *Queen* mean to make, not a *Defenſive War* as in times paſt, but a *full Reconqueſt* of thoſe parts of the Countrey, you would accept the Charge; I think it would help to ſettle *Tyrone* in his ſeeking Accord, and win you a great deal of *Honour*, *gratis*.

And that, which moſt properly concern's this Action, if it prove a Peace; I think her *Majeſty* ſhall do well to cure the Root of the Diſeaſe; And to Profeſs, by a *Commiſſion* of Peaceable Men, of Reſpect and Countenance, *Reformation* of Abuſes, Extortions and Injuſtices there; And to plant a ſtronger and ſurer Government than heretofore, for the Eaſe and Protection of the *Subject*. For the *Removing* of the *Sword* or Government in Arms from the *Earl* of *Ormond*; Or the ſending of a *Deputy*, (which will eclipſe it) if Peace follow, I think it unſeaſonable.

Laſtly,

Laſtly, I hold ſtill my Opinion (both for your better Information, and the fuller Declaration of your Care, in medling in this urgent and meriting Service) That your *Lordſhip* have ſet *Conference* with the *perſons* I named in my former Letter.

A Letter *of* Advice *to my* Lord *of* Eſſex, *immediately before his going into* Ireland.

My ſingular good Lord,

YOur late Note of my Silence, in your Occaſions, hath made me ſet down theſe few wandring Lines, as one that would ſay ſomewhat, and can ſay nothing, touching your *Lordſhips* intended *Charge* for *Ireland*; Which my Endeavour, I know, your *Lordſhip* will accept graciouſly; whether your *Lordſhip* take it by the Handle of Occaſion miniſtred from your Self; or of the Affection from which it proceeds.

Your *Lordſhip* is deſigned to a *Service* of great *Merit* and great *Peril*: And as the Greatneſs of the *Peril* muſt needs include a like proportion of *Merit*: So the Greatneſs of the *Merit* may include no ſmall Conſequence of *Peril*, if it be not temperately governed. For all immoderate *Succeſs* extinguiſheth *Merit* and ſtireth up *Diſtaſte* and *Envy*; The aſſured Forerunners of whole Charges of *Peril*. But I am at the laſt point firſt; Some good Spirit my leading Pen, to preſage to your *Lordſhip* ſucceſs; Wherein, it is true, I am not without my *Oracles* and *Divinations*; None of them *Superſtitious* and yet not all *Natural*. For firſt, looking into the Courſe of *Gods Providence*, in Things now depending; And calling to conſideration, how great things *God* hath done by her *Maieſty* and for her: I collect, he hath diſpoſed of this great *Defection* in *Ireland* thereby, to give an urgent occaſion to the *Reduction* of that whole *Kingdom*; As upon the *Rebellion* of *Deſmond* there inſued the *Reduction* of that whole *Province*.

Next, your *Lordſhip* goeth againſt three of the unluckieſt *Vices* of all others; *Diſloyalty*, *Ingratitude* and *Inſolency*: Which three *Offences*, in all *Examples*, have ſeldome their *Doom* adjourned to the *world to come*.

Laſtly, he that ſhall have had the Honour to know your *Lordſhip*, inwardly, as I have had ſhall find *Bona Exta*, wherby he may better ground a Divination of *Good*, than upon the *Diſſection* of a *Sacrifice*. But that part I leave: For it is fit for others to be confident upon the *cauſe*; The Goodneſs and Juſtice, whereof is ſuch as can hardly be matched in any Example, It being no *Ambitious War* againſt *Forreiners*, but a *Recovery* of *Subjects*; And that after *Lenity* of *Conditions* often tryed; And a *Recovery* of them, not only to *Obedience*, but to *Humanity*, and *Policy* from more than *Indian Barbariſm*.

There is yet another Kinde of *Divination*, familiar to *Matters* of *State*; Being that which *Demoſthenes* ſo often relyed upon, in his time; when he ſaid; *That, which for the time paſt, is worſt of all, is, for the time to come, the beſt*; which is, that things go ill, not by Accident, but by Errours; Wherein, if your *Lordſhip* have been, heretofore an Awaking Cenſor, you muſt look for no other now, but *Medice Cura teipſum*: And though you ſhall not be the Happy *Phyſician*, that cometh in the Declination

Declination of the Diſeaſe; yet you embrace that Condition, which many *Noble Spirits* have accepted for Advantage; which is, that you go, upon the greater Peril of your *Fortune*, and the leſs of your *Reputation*: And ſo the *Honour* countervaileth the *Adventure*; Of which *Honour*, your *Lordſhip* is in no ſmall poſſeſſion; when that her *Majeſty* (known to be one of the moſt judicious Princes in diſcerning of Spirits, that ever governed) hath made choice of you (meerly out of her *Royal Judgement*; her *Affection* inclining rather to continue your Attendance;) into whoſe hand, and truſt, to put the Command and Conduct of ſo great Forces; The Gathering the Fruit of ſo great Charge; The Execution of ſo many Counſels; The redeeming of the Defaults of ſo many former Governors; The clearing of the Glory, of her ſo many happy years *Reign*, onely, in this part, eclipſed: Nay further, how far forth, the peril of that *State*, is interlaced with the peril of *England*; And therefore, how great the Honour is, to keep and defend the Approaches, or Ave-news of this Kingdom, I hear many diſcourſe; And there is a great Difference whether the *Tortoiſe* gathereth her ſelf within her ſhell, hurt, or unhurt.

And if any Man be of Opinion, that the *Nature* of the *Enemy*, doth extenuate the *Honour* of the *Service*, being but a *Rebel*, and a *Savage*; I differ from him: For I ſee the juſteſt Triumphs, that the *Romans*, in their greatneſs did obtain; And that, whereof the *Emperours* in their Stiles, took Addition, and Denomination, were of ſuch an *Enemy*, as this: That is, *People Barbarous*, and not reduced to *Civility*, magnifying a kind of lawleſs Liberty, and prodigal of Life, hardned in Body, fortified in Woods and Boggs, and placing both Juſtice and Felicity in ſharpneſs of their Swords: Such were the *Germans*, and ancient *Brittans*, and divers others. Upon which kind of *People*, whether the Victory were a *Conqueſt*, or a *Reconqueſt*, upon a *Rebellion* or a *Revolt*; It made no difference (that ever I could find) in Honour. And therefore, it is not the Enriching *Prelatory Warr*, that hath the preheminence in Honour; Elſe ſhould it be more Honour to bring in a Carick of rich Burthen, than one of the 12. *Spaniſh Apoſtles*. But then, this Nature of *People*, doth yield a higher point of *Honour*, conſidered in Truth, and Subſtance, than any warr can yield, which ſhould be atchieved againſt a *Civil Enemy*: If the End may be; *Paciq; imponere morem*, to replant, and refound the policy of that Nation: To which nothing is wanting, but a juſt and Civil *Government*: which Deſign, as it doth deſcend unto you, from your Noble *Father*, who loſt his life in that *Action* (though he paid *Tribute* to *Nature*, and not to *Fortune*;) So, I hope your *Lordſhip*, ſhall be, as Fatal a Captain to this Warr, as *Africanus* was to the Warr of *Carthage*; after that both his *Uncle* and *Father*, had loſt their Lives, in *Spain*, in the ſame Warr. Now, although it be true, that theſe Things which I write, (being but Repreſentations, unto your *Lordſhip*, of the Honour and Appearance of Succeſs, of the Enterpriſe;) be not much, to the purpoſe, of any Advice; yet it is that, which is left to me, being no Man of War, and ignorant in the particulars of Eſtate. For a Man may, by the Eye, ſet up the White in the midſt of the But, though he be no Archer. Therefore I will onely add this Wiſh, according to the *Engliſh Phraſe*, which termeth a well-willing Advice, a Wiſh: That your *Lordſhip* in this whole Action, looking forward, would ſet down this Poſition; *That Merit is worthier than Fame*. And looking back hither, would remember this Text, *That Obedience is better than Sacrifice*. For Deſigning to *Fame*, and *Glory*, may

make your *Lordſhip* in the adventure of your *Perſon*, to be valiant, as a private *Souldier*, rather than as a *General:* It may make your Commandements, rather to be Gracious than Diſciplinary: It may make you preſs Action, (in reſpect of the great Expectation conceived,) rather haſtily, than ſeaſonably and ſafely: It may make you, ſeek rather to atchieve the war by force, than by intermixture of practice: It may make you, (if God ſhall ſend proſperous beginnings,) rather ſeek the *Fruition* of that *Honour*, than the Perfection of the *work* in hand. And for the other point, that is the Proceeding, like a good *Proteſtant* upon expreſs warrant, and not upon good intention, your Lordſhip in your wiſdom knoweth; That as it is moſt fit for you to deſire convenient Liberty of Inſtructions, ſo it is no leſs fit for you, to obſerve the due limits of them: Remembring that the exceeding of them, may not only procure, in caſe of adverſe accident, a dangerous Diſavow; but alſo (in caſe of proſperous Succeſs;) be ſubject to interpretation, as if all were not referred to the right End.

Thus have I preſumed, to write theſe few Lines to your *Lordſhip*, in *Methodo Ignorantiæ*; which is, when a Man ſpeaketh of a Subject, not according to the Matter, but according to the Model of his own Knowledge: And moſt humbly deſire your *Lordſhip*, that the weakneſs thereof may be ſupplied in your *Lordſhip*, by a benign acceptation, as it is in me, by my beſt wiſhing.

A Letter to the Earl of Eſſex, *in offer of his Service, when he was firſt enlarged to* Eſſex-Houſe.

My Lord;

NO man can expound my Doings better than your *Lordſhip*, which makes me need to ſay the leſs: Only, I humbly pray you to believe, that I aſpire to the Conſcience and Commendation, of *Bonus Civis*, and *Bonus Vir*; And that, though I love ſome *Things* better (I confeſs) than I love your *Lordſhip*, yet I love few *Perſons* better; both for Gratitudes ſake, and for your Vertues, which cannot hurt but by accident; of which my good Affection it may pleaſe your *Lordſhip* to aſſure your ſelf; and of all the true Effects and Offices I can yield. For as I was ever ſorry, your Lordſhip ſhould flye with waxen Wings, doubting *Icarus* Fortune; ſo for the growing up of your own Feathers, be they Eſtridges or other kinde, no man ſhall be more glad. And this is the Axil-Tree whereon I have turned, and ſhall turn. Which having already ſignified to you, by ſome near mean, having ſo fit a Meſſenger for mine own Letter, I thought good alſo, to redouble my Writing. And ſo I commend you to Gods Protection. From *Graies Inn*, this 19th of *July*, 1600.

An

An Answer of my Lord *of* Essex, *to the immediately preceding Letter of Mr.* Bacons.

Mr. Bacon,

I Can neither expound, nor censure your late Actions; Being ignorant of all of them, save one; and having directed my sight inward only, to examine my Self. You do pray me to believe, that you only aspire to the Conscience and Commendation, of *Bonus Civis*, and *Bonus Vir*; And I do faithfully assure you, that while that is your Ambition (though your course be Active and minde Contemplative) yet we shall, both, *Convenire in eodem Tertio*; and *Convenire inter Nos ipsos*. Your Profession of Affection, and Offer of good Offices, are welcom to me: For Answer to them, I will say but this; That you have believed I have been kind to you; and you may believe that I cannot be other, either upon Humour, or mine own Election. I am a stranger to all *Poetical Conceits*, or else I should say somewhat, of your *Poetical Example*. But this I must say; That I never flew with other *Wings*, than Desire to Merit; and Confidence in my *Soveraigns* Favour; and when one of these *Wings* failed me, *I* would light no where but at my *Soveraigns* Feet, though she suffered me to be bruised, with my fall. And till her *Majesty*, that knows, *I* was never *Bird* of *Prey*, finds it to agree with her will, and her Service, that my *Wings* should be imped again, *I* have committed my self to the *Mue*. No power, but my *Gods*, and my *Soveraigns*, can alter this Resolution, of

Your Retired Friend,
ESSEX.

Two Letters *framed*; *the one*, *as from* Mr. Anthony Bacon, *to the* Earl of Essex; *The other*, *as the* Earls *Answer thereunto*, *delivered to Sir* Francis Bacon, *with the Advice of* Mr. Anthony Bacon, *his* Brother, *to be shewed to the* Queen, *upon some fit occasion*; *As a mean*, *to work her* Majesty *to receive the* Earl *again*, *to Favour and Attendance at Court*: *They were devised*, *whil'st my* Lord *remained* Prisoner, *in his own* House.

My singular good Lord;

THis standing at a stay in your *Lordships* Fortunes, doth make me, in my love towards your *Lordship*, jealous lest you do somewhat, or omit somewhat, that amounteth to a new Errour. For *I* suppose, of all former Matters there is a full Expiation: wherein, for any thing that your *Lordship* doth, *I* for my part (who am remote) cannot cast, nor devise wherein any Errour should be; except in one point, which *I* dare not censure, nor dissuade: which is, that (as the *Prophet* saith) *In this Affliction* you look up, *ad Manum Percutientem*, and so make your peace with *God*. And yet *I* heard it noted, that my Lord of *Leicester*, (who could never get to be taken for a *Saint*, nevertheless in the *Queens*

disfavour) waxed seeming Religious: which may be thought by some, and used by others, as a Case resembling yours, if men do not see, or will not see the difference between your two dispositions. But to be plain with your *Lordship*, my fear rather is, because I hear how some of your good, and wise friends, not unpractised in the Court, and supposing themselves not to be unseen in that deep and unscrutable Center of the Court, which is her *Majesties Minde*, do not only toll the Bell, but even ring out Peals, as if your Fortune were dead and buried; and as if there were no possibility of recovering her *Majesties* favour; and as if the best of your condition, were to lead a private and retired life, out of Want, out of peril, and out of manifest disgrace: And so in this perswasion of theirs, include a perswasion to your *Lordship*, to frame and accommodate your Actions and Mind to that End; I fear, I say, that this untimely despair, may in time bring forth a just despair, by causing your Lordship, to slacken and break off your Wise, Loyal, and seasonable Endeavours and Industries, for Re-integration to her Majesties favour: In comparison whereof, all other Circumstances are but as *Atomi*, or rather as *Vacuum*, without any substance at all. Against this Opinion, it may please your Lordship, to consider of these reasons which I have collected, and to make judgment of them: Neither out of the Melancholy of your present fortune, neither out of the infusion of that which cometh to you by others relation, (which is subject to much tincture;) But *ex rebus ipsis*, out of the Nature of the Persons and actions themselves, as the trustiest, and least deceiving grounds of Opinion. For though I am so unfortunate, as to be a stranger to her *Majesties* Eye, and to her Nature; yet by that which is apparent, I domanifestly discern, that she hath the Character of the Divine Nature and Goodness; *Quos amavit, amavit usque ad finem:* and where she hath a Creature, she doth not deface nor defeat it: Insomuch, as if I observe rightly in those persons, whom heretofore she hath honoured with her special Favour, she hath covered and remitted, not only defects and ingraritudes in affection, but errours in State and Service. Secondly, if I can spel and Scholar-like put together, the parts of her *Majesties* proceedings now towards your *Lordship*, I cannot but make this construction; That her *Majesty* in her Royal intention, never purposed to call your *Lordships* doings into publick Question; but only, to have used a Cloud without a Shower, in censuring them by some temporary restraint only of Liberty, and debarring from her presence. For first, the handling the Cause in the *Star-Chamber*, you not called, was enforced, by the violence of Libelling and Rumours; (wherein the *Queen* thought to have satisfied the world, and yet spared your *Lordships* appearance;) and after, when that Means which was intended for the quenching of malicious brutes, turned to kindle them; (because it was said, your *Lordship* was condemned unheard; and your Lordships sister wrote that piquant Letter) then her *Majesty* saw plainly, that these winds of Rumours, could not be commanded down, without a handling of the Cause, by making you Party, and admitting you Defence. And to this purpose, I do assure your Lordship, that my Brother *Francis Bacon*, who is too wise (I think) to be abused, and too honest to abuse; Though he be more reserved in all particulars, than is needful; yet in generality, he hath ever constantly, and with asseveration affirmed to me, that both those dayes; That of the *Star-Chamber*, and that at my Lord *Keeper's*, were won from the

the *Queen*, meerly upon neceſſity and point of Honour, againſt her own inclination. Thirdly, in the laſt proceeding, I note three points; which are directly ſignificant, That her *Majeſty* did expreſly forbear any point, which was irreparable, or might make your Lordſhip, in any degree, uncapable of the return of her favour; Or might fix any Character Indeleble of diſgrace upon you: For ſhe ſpared the publick place of the *Star-Chamber*: She limited the Charge preciſely, not to touch Diſloyalty; and no Record remaineth to Memory, of the Charge, or Sentence. Fourthly, the very Diſtinction, which was made in the Sentence of Sequeſtration, from the places of Service in State, and leaving to your Lordſhip, the place of Maſter of the *Horſe*, doth to my underſtanding, *indicativè*, point at this; That her *Majeſtie* meant to uſe your Lordſhips Attendance in Court, while the Exerciſes of the other places ſtood, ſuſpended. Fifthly, I have heard, and your Lordſhip knoweth better, that now, ſince you were in your own Cuſtody, her *Majeſty*, in *Verbo Regio*, and by his mouth, by whom ſhe committeth her Royal Graunts and Decrees, hath aſſured your Lordſhip, ſhe will forbid, and not ſuffer your Ruine. Sixthly, as I have heard her *Majeſty* to be a *Prince* of that Magnanimity, that ſhe will ſpare the Service of the ableſt *Subject* or *Peer*, when ſhe ſhall be thought to ſtand in need of it: So ſhe is of that Policy, as ſhe will not loſe the Service of a meaner than your Lordſhip, where it ſhall depend meerly upon her Choice and Will. Seventhly, I hold it for a Principle; That thoſe *Diſeaſes* are hardeſt to cure, whereof the *Cauſe* is obſcure; and thoſe eaſieſt, whereof the *Cauſe* is manifeſt: Whereupon I conclude, that ſince it hath been your Errour, in your Courſes towards her *Majeſty*, which hath prejudiced you; That you Reforming, and Conformity will reſtore you; ſo as you may be, *Faber Fortunæ propriæ*. Laſtly, conſidering your Lordſhip is removed from dealing in cauſes of State, and left only to a place of Attendance; Methinks, the Ambition of any Man, who can endure no Partners in State-Matters, may be ſo quenched, as they ſhould not laborioufly oppoſe themſelves to your Being in *Court*: So as upon the whole matter, I cannot find, neither in her *Majeſties* Perſon, nor in your own Perſon, nor in any third Perſon; Neither in former Preſidents, nor in your own Cauſe, any Cauſe, of dry and peremptory Deſpair. Neither do I ſpeak this, but that if her *Majeſty*, out of her reſolution, would deſigne you to a private Life, you ſhould be as willing, upon her appointment, to go into the *Wilderneſs*, as into the *Land of Promiſe*. Onely, I wiſh your Lordſhip, will not preoccupate Deſpair, but put truſt, next to *God*, in her *Majeſties* Grace; and not to be wanting to your Self. I know your Lordſhip may juſtly interpret, that this which I perſwade, may have ſome reference to my particular, becauſe I may truly ſay; *Te ſante, Non Virebo*, (for I am withered in my ſelf,) but *Manebo*, or *Tenebo*; I ſhall in ſome ſort, be, or hold out. But though your Lordſhips years, and health, may expect return of Grace, and Fortune; yet your Eclipſe for a time, is an *Ultimum Vale* to my Fortune: And were it not, that I deſire, and hope, to ſee my *Brother* eſtabliſhed, by her *Majeſties* favour; (as I think him well worthy, for that he hath done and ſuffered) it were time I did take that Courſe, from which I diſſwade your Lordſhip. But now in the mean time, I cannot chooſe but perform thoſe honeſt Duties unto you, to whom I have been ſo deeply bounden.

A Leter, *framed as from the* Earl; *In Anſwer of the former* Letter.

Mr. *Bacon*,

I Thank you, for your kind, and careful Letter. It perſwades me, that which I wiſh ſtrongly, and hope for weakly; That is, Poſſibility of Reſtitution to her Majeſties favour: Your Arguments, that would cheriſh Hope, turn to Deſpair. You ſay the *Queen*, never meant to call me to Publick Cenſure, which ſheweth her *Goodneſs*: But you ſee I paſſed it, which ſheweth others *Power*. I believe moſt ſtedfaſtly, her *Majeſty* never intended to bring my Cauſe to a Sentence; and I believe as verily, that ſince that Sentence, ſhe meant to reſtore me, to attend upon her Perſon. But they that could uſe occaſions (which was not in me to let) and amplifie occaſions, and practiſe occaſions to repreſent to her *Majeſty*, a neceſſity to bring me to the one, can and will do the like, to ſtop me from the other. You ſay, my Errours were my Prejudice, and therefore I can mend my Self: It is true; But they that know, that I can mend my Self, and that if ever I recover the *Queen*, that I will never loſe her again; will never ſuffer me to obtain intereſt in her favour. And you ſay, the *Queen* never forſook utterly, where ſhe inwardly favoured: But I know not whether the Hour-glaſs of time, hath altered her; But ſure I am, the falſe Glaſs of others Informations, muſt alter her, when I want acceſs to plead my own Cauſe. I know, I ought doubly to be her *Majeſties*: Both *Jure Creationis*, for I am her Creature; And *Jure Redemptionis*, for I know ſhe hath ſaved me from Overthrow. But for her firſt Love, and for her laſt Protection, and all her great Benefits, I can but pray for her *Majeſty*; and my Endeavours are now, to make my *Prayers* for her *Majeſty* and my *Self*, better heard. For, thanks be to *God*, they that can make her *Majeſty* believe, I counterfeit with her, cannot make GOD believe, that I counterfeit with him: And they which can let me, from comming near unto her, cannot let me from drawing near unto him, as I hope I do daily. For your *Brother*, I hold him an honeſt *Gentleman*, and wiſh him all good; much rather for your ſake. Your ſelf, I know hath ſuffered more for me, than any friend I have: But I cannot but lament freely, as you ſee I do; and adviſe you not to do that which I do, which is, to deſpair. You know *Letters*, what hurt they have done me; and therefore make ſure of this: And yet I could not (as having no other Pledge of my Love) but communicate freely with you, for the eaſe of my heart, and yours.

A Letter *to Mr.* Secretary Cecil, *after the Defeating of the* Spaniſh Forces *in* Ireland; *Inciting him, to embrace the care of Reducing that* Kingdom *to Civility, with ſome reaſons ſent encloſed.*

It may pleaſe your Honour,

AS one that wiſheth you all encreaſe of Honour: And as one that cannot leave to love the *State*, (what intereſt ſoever I have, or may come to have in it) and as one that now this dead Vacation time, hath ſome leiſure, *ad aliud agendum*; I will preſume to propound unto you, that which though you cannot but ſee, yet I know not whether you apprehend and eſteem it, in ſo high a degree; That is, for the beſt action of importation to your ſelf; of ſound Honour and Merit to her Majeſty, and this Crown; without Ventoſity and Popularity, that the Riches of any Occaſion, or the Tide of any Opportunity, can poſſibly miniſter or offer. And that is, the Cauſes of *Ireland*, if they be taken by the right handle. For if the wound be not ripped up again, and come to a Recrudency by new *Forein Succours*, I think that no Phyſitian will go on much with letting Bloud, *in declinatione Morbi*; but will intend to *Purge* and *Corroborate*. To which purpoſe, I ſend you mine opinion, without labour of words, in the encloſed: And ſure I am, that if you ſhall enter into the matter, according to the Vivacity of your own ſpirit, nothing can make unto you a more gainful return. For you ſhall make the *Queens* Felicity compleat, which now (as it is) is incomparable: And for your ſelf, you ſhall ſhew your ſelf as good a Patriot, as you are thought a Politick, and make the world perceive, you have not leſs *Generous Ends*, than *Dextrous Delivery* of your ſelf towards your *Ends*; and that you have as well true Arts and grounds of *Government*, as the Facility and Felicity of Practice and Negotiation; and that you are as well ſeen in the Periods and Tides of Eſtates, as in your own Circle and Way: Than the which, I ſuppoſe nothing can be a better addition, and accumulation of Honour unto you. This, I hope, I may in privateneſs write, either as a Kinſman, that may be bold, or a Scholar, that hath liberty of diſcourſe, without the committing any abſurdity. But if it ſeem any error in me, thus to intromit my ſelf, I pray your *Honour* believe, I ever loved her *Majeſty* and the *State*, and now love your *Self*; and there is never any vehement Love, without ſome Abſurdity: As the *Spaniard* well ſayes; *Deſuario con la Calentura*. So deſiring your *Honours* pardon, I ever continue.

Conſide-

Conſiderations, *touching the* Queens *Service in* IRELAND.

THE Reduction of that *Country*, as well to Civility and Juſtice, as to Obedience, and Peace (which things as affairs now ſtand, I hold to be inſeparable) conſiſteth in 4. *Points*.

1. The *Extinguiſhing* of the *Relicks* of the *Warr*.
2. The *Recovery* of the *Hearts* of the People.
3. The *Removing* of the *Root* and *Occaſions* of new *Troubles*.
4. *Plantations* and *Buildings*.

For the firſt: Concerning the Places, and Times, and Particularities of further Proſecution, in fact, I leave it to the opinion of men of War; only the Difficulty is, to diſtinguiſh and diſcern the *Propoſitions*, which ſhall be, according to the ends of the *State* here; (That is, final and ſummary towards the *Extirpation* of the *Troubles*;) from thoſe, which though they pretend Publick ends, yet may refer indeed, to the more private and compendious ends of the Council there; or the particular Governours or Captains. But ſtill (as I touched in my *Letter*) I do think, much *letting Bloud*, *in Declinatione morbi*, is againſt *Method* of *cure*; and that it will but enduce Neceſſity, and exaſperate Deſpair; and percaſe, diſcover the hollowneſs of that which is done already, which now blazeth to the beſt ſhow. For *Iaglia*'s and Proſcriptions of two or three of the principal Rebels, they are no doubt, *Jure Gentium*, lawful; in *Itali* uſually practiſed upon the *Banditi*; beſt in ſeaſon where a ſide goeth down: And may do good in two Kinds; The one if they take Effect; The other, in the Diſtruſt which may follow amongſt the Rebels themſelves. But of all other points, to my Underſtanding the moſt effectual is, the well expreſſing or impreſſing the *Deſign* of this *State*, upon that miſerable and deſolate *Kingdom*; containing the ſame, between theſe two Liſts or Boundaries: The one, that the *Queen* ſeeketh not an *Extirpation* of that *People*, but a *Reduction*; and that now ſhe hath chaſtiſed them by her royal power, and Arms, according to the neceſſity of the occaſion; Her *Majeſty* taketh no pleaſure in *effuſion* of *Bloud*, or *diſplanting* of *ancient Generations*. The other, that her *Majeſties* Princely care is, principally, and intentionally bent upon the *Action* of *Ireland*: And that ſhe ſeeketh not ſo much the eaſe of Charge, as the Royal performance of the office of Protection, and Reclaim of thoſe her Subjects: And in a word, that the Caſe is altered ſo far, as may ſtand with the Honour of the Time paſt. And again I do repeat, that if her *Majeſties Deſign* be, *ex Profeſſo*, to reduce Rebels to obedience, it makes weakneſs turn *Chriſtianity*, and Conditions *Graces*: and ſo hath a fineneſs in turning Utility upon point of Honour; which is agreeable to the Humour of theſe Times. And beſides, if her *Majeſty* ſhall ſuddainly abate the Liſts of their Forces, and ſhall do nothing to Countervail it in point of Reputation, of a Politick Proceeding, I doubt things may too ſoon fall back, into the ſtate they were in. Next to this. Adding reputation to the Cauſe, by imprinting an Opinion of her *Majeſties* care and intention upon this Action, is the taking away of Reputation from the contrary ſide, by cutting off the opinion, and reputation of Forein ſuccours; To which purpoſe, this Enterprize of *Algiers* (if it hold according to the Adver-

Advertisement, and if it be not wrapped up in the period of this Summer) seemeth to be an Opportunity, *relitùs dimissa*. And to the same purpose nothing can be more fit than a *Treaty*, or a shadow of a *Treaty*, of a *Peace*, with *Spain*; which me thinks should be in our power to fasten, at least *Rumore tenus*, to the deluding of as wise people as the *Irish*. Lastly, for this point; That which the Ancients called, *Potestas facta, redeundi ad sanitatem*; And, which is but a Mockery, when the *Enemy* is strong, or proud, but effectual in his Declination; that is, a liberal Proclamation of Grace, and Pardon, to such as shall submit, and come in within a time prefixed; and of some other reward, to such as shall bring others in; that one's sword may be sharpned by anothers; is a matter of good Experience, and now, I think, will come in time. And percase, though I wish the Exclusions of such a pardon, exceeding few, yet it will not be safe to continue some of them in their strength; but to translate them and their Generations into *England*: And give them recompence and satisfaction here, for their Possessions there; As the King of *Spain* did, by divers *Families* of *Portugal*. To the effecting of all the *points* aforesaid; and likewise, those which fall within the Divisions following, nothing can be in priority, (either of Time or Matter) better than the sending of some *Commission* of Countenance, *Ad Res in piciendas & componendas*: For it will be a very significant demonstration of her *Majesties* care of that *Kingdom*; A Credence, to any that shall come in and submit; A Bridle, to any that shall have their Fortunes there, and shall apply their Propositions to private Ends; And an Evidence, that her *Majesty* after Arms laid down, speedily pursueth a politick Course, without neglect, or respiration: And it hath been the Wisdom of the best Examples of Government.

Towards the *Recovery* of the *Hearts* of the *People*, there be but three things in *Naturâ Rerum*.

1. *Religion*.
2. *Justice*, and *Protection*.
3. *Obligation*, and *Reward*.

For *Religion* (to speak first of *Piety*, and then of *Policy*) all *Divines* do agree; That if *Consciences* be to be enforced at all (wherein yet they differ) two things must precede their *Inforcement*: The one, *Means* of *Instruction*; the other, *Time* of *Operation*: Neither of which they have yet had. Besides, till they be more like reasonable men than they are, their *Society* were rather scandalous to the true *Religion*, than otherwise; As *Pearls cast before Swine*: For till they be cleansed from their Bloud, Incontinency and Theft (which are now, not the Lapses of particular Persons, but the very Lawes of the Nation) they are Incompatible with *Religion Reformed*. For *Policy*, there is no doubt, but to wrestle with them now, is directly opposite to their reclaiming, and cannot but continue their Alienation of Minde from this *Government*. Besides, one of the principal Pretences, whereby the *Heads* of the *Rebellion* have prevailed, both with the *People*, and with the *Forreiner*, hath been, the *Defence* of the *Catholick Religion*: And it is that likewise, hath made the *Forreiner*, reciprocally, more plausible with the *Rebel*. Therefore a *Toleration* of *Religion* (for a Time, not definite) except it be in some Principal Towns and Precincts; After the manner of some *French Edicts*, seemeth to me, to be a Matter warrantable by *Religion*, and in *Policy*, of absolute Necessity. And the Hesitation in this *point* (I think)

hath been, a great Casting-back, of the Affairs there. Neither if any *English Papist* or *Recusant*, shall for Liberty of his Conscience, transfer his Person, Family, and Fortunes thither, do I hold it a Matter of Danger, but expedient to draw on Undertaking, and to further Population. Neither if *Rome* will cozen it Self, by Conceiving, it may be some Degree to the like Toleration in *England*, do I hold it, a matter of any Moment; But rather a good Mean, to take off the Fierceness and Eagerness of the Humour of *Rome*; And to stay, further *Excommunications*, or *Interdictions*, for *Ireland*. But there would go hand in hand with this, some Course of Advancing *Religion* indeed, where the *People* is capable thereof: As the sending over some good *Preachers*, especially of that sort, which are vehement and zealous Perswaders, and not Scholastical; To be resident in principal *Towns*; Endowing them, with some Stipends out of Her Majesties Revenues; As Her *Majesty* hath most religiously, and graciously done in *Lancashire*: And the Recontinuing, and Replenishing the College begun at *Dublin*; The placing of good men to be *Bishops* there; And the Taking Care of the Versions, of *Bibles*, *Catechisms*, and other *Books* of *Instructions*, into the *Irish Language*; And the like *Religious Courses*, Both for the Honour of God, and for the Avoiding of Scandal, and Insatisfaction here, by the shew of a *Toleration* of *Religion*, in some parts there.

For *Justice*, the *Barbarism*, and *Desolation* of the *Country* considered, it is not possible, they should find any sweetness at all, of Justice; If it shall be (which hath been the Errour of *Times* past) Formal, and fetched far off from the *State*; Because, it will require running up and down for *Process*; and give Occasion for Polling and Exactions by Fees, and many other Delayes, and Charges. And therefore, there must be an *Interim*, in which the *Justice* must be only Summary; the rather, because it is fit and safe, for a time, the Country do participate of *Martial Government*: And therefore, I could wish in every *principal Town* or place of *Habitation*, there were a *Captain*, or *Governor*; and a *Judge*; such as *Recorders* and *learned Stewards*, are here in *Corporations*; who may have a *Prerogative Commission*, to hear and determine, *Secundum sanam Discretionem*; and as near as may be, to the Laws and Customs of *England*; and that by *Bill*, or *Pleint*, without *Original Writ*; Reserving from their Sentence, matter of *Free-hold*, and *Inheritance*; to be determined by a superiour *Judge*, *Itinerant*: And both *Sentences*, as well of the *Bayliff-wick Judge*, as *Itinerant*, to be reversed (if Cause be) before the *Counsel* of the Province, to be established there, with fit Instructions.

For *Obligation*, and *Reward*; It is true (no doubt) which was anciently said; That a *State*, is contained in two words, *Præmium*, and *Pœna*. And I am perswaded, if a penny in the pound which hath been spent in *Pœnâ* (For this kinde of *Warr* is but *pœna*, a *chastisement* of *Rebels*, without Fruit, or Emolument to this *State*) had been spent in *præmio*, that is, in *Rewarding*, Things had never grown to this Extremity. But to speak forwards. The keeping of the *Principal Irish persons* in Terms of Contentment, and without Cause of particular Complaint; And generally the Carrying of an even Course between the *English* and the *Irish*; Whether it be in Competition; or whether it be in Controversie; as if they were one *Nation*; (without that same partial Course which hath been held by the *Governors* and *Counsellors* there, that some have favoured the *Irish*, and some contrary;) Is one of the best *Medicines* of *State*. And

as

as for other Points of Contentment; As the Countenancing of their *Nobility* as well in this *Court* as there; The *Imparting* of *Knighthood*; The Care of *Education* of their *Children*; And the like *points* of *Comfort*; They are Things which fall into every Mans Conſideration.

For the *Extirping* of the *Seeds* of *Troubles*, I ſuppoſe the main *Roots* are but three. The firſt, the *Ambition* and *Abſoluteneſs* of the Chief of the *Families* and *Septs*; The ſecond, the licentious Idleneſs of their *Kerns* and *Souldiers*, that lie upon the Countrey, by Seſſes and ſuch like Oppreſſions. And the Third, the barbarous *Laws*, *Cuſtoms*, their *Brehen Laws*, *Habits* of *Apparel*, their *Poets* or *Heralds* that enchant them in Savage Manners, and ſundry other ſuch Dregs of *Barbariſm* and Rebellion; Which by a Number of Politick *Statutes* of *Ireland*, meet to be put in Execution, are already forbidden; Unto which ſuch Additions may be made, as the preſent Time requireth. But the Deducing of this *Branch* requireth a more particular Notice of the *State* and *Manners* there, than fall's within my Compaſs.

For *Plantations* and *Buildings*, I do find it ſtrange, that in the laſt Plot for the *Population* of *Munſter*, there were Limitations, how much in *Demeſn*, and how much in *Farm*, and how much in *Tenancy*: Again, how many *Buildings* ſhould be erected; How many *Iriſh* in *Mixture* ſhould be admitted; And other things foreſeen almoſt to Curioſity; But no Reſtraint, that they might not build, *ſparſim*, at their pleaſure; Nor any Condition that they ſhould make places *Fortified* and *Defenſible*: Which Omiſſion was a ſtrange Neglect and Secureneſs to my underſtanding. So as, for this laſt *Point* of *Plantations* and *Buildings*, there be two *Conſiderations*, which I hold moſt material; The one for *Quickning*; And the other for *Aſſuring*. The firſt is, that choice be made of ſuch *Perſons* for the Government of Towns and Places; And ſuch *Undertakers* be procured, as be Men gracious and well beloved, and are like to be well followed. Wherein for *Munſter* it may (becauſe it is not *Res integra*; but that the former *Undertakers* ſtand intereſted) there will be ſome Difficulty: But ſurely, in mine Opinion, either by Agreeing with them, or by Over-ruling them with a Parliament in *Ireland*; (which in this Courſe of a Politick Proceeding, infinite occaſions will require ſpeedily to be held;) It will be fit to ſupply fit qualified *Perſons* of *Undertakers*. The other that it be not left (as heretofore) to the Pleaſure of the *Undertakers* and *Adventurers*, where and how to *build* and *plant*; But that they do according to a Preſcript or Formulary: For firſt, the places, both *Maritime* and *Inland*, which are fitteſt for *Colonies* or *Garriſons*; As well for doubt of the Foreiner, as for the Keeping the Countrey in Bridle, would be found ſurveyed and reſolved upon: And that the Patentees be tyed to build in thoſe places only, and to fortifie as ſhall be thought convenient. And laſtly, it followeth of Courſe, in *Countries* of new *Populations*, to invite and provoke *Inhabitants*, by ample *Liberties* and *Charters*.

A Letter *of* Recommendation *of his* Service, *to the* Earl *of* Northumberland, *a few dayes* before Queen Elizabeths *death.*

It may pleaſe your good Lordſhip,

AS the Time, of Sowing a Seed is known, but the Time of Coming up and Diſcloſing, is caſual or according to the Seaſon; So, I am a Witneſs to my Self, that there hath been covered in my mind a long time, a Seed of Affection and zeal towards your *Lordſhip*, ſown by the Eſtimation of your Virtues, and your particular Honours and Favours to my *Brother Deceaſed*, and my Self: Which Seed ſtill ſpringing, now burſteth forth into this Profeſſion. And to be plain with your *Lordſhip*, it is very true; (And no Winds or Noiſes of Civil Matters, can blow this out of my Head or Heart;) That your great Capacity and Love towards Studies and Contemplations of an higher and worthier Nature, than Popular (A Nature rare in the World, and in a perſon of your *Lordſhips* Quality, almoſt ſingular;) is to me, a great and chief Motive, to draw my Affection and Admiration, towords you. And therefore, good my *Lord*, if I may be of any uſe to your *Lordſhip*, by my Head, Tongue, or Pen, Means, or Friends, I humbly pray you, to hold me your own; And herewithall, not to do ſo much Diſadvantage to my good Mind, nor Partly to your own Worth, as to conceive that this Commendation of my humble Service, proceedeth out of any Streights of my Occaſions, but meerly out of an Election, and indeed the Fulneſs of my Heart; And ſo wiſhing your *Lordſhip* all proſperity, I continue.

A Letter *of* Offer *of his* Service *to his* Majeſty, *upon his firſt Coming in.*

It may pleaſe your moſt excellent Majeſty,

IT is obſerved, upon a place in the *Canticles*, by ſome; *Ego ſum Flos Campi, & Lilium Convallium*, that *à Diſpari*, it is not ſaid, *Ego ſum Flos Horti, & Lilium Montium*, becauſe the *Majeſty* of that *Perſon* is not encloſed for a Few, nor appropriate to the Great. And yet, notwithſtanding this Royal Vertue of Acceſs which Nature and Judgement hath planted in your *Majeſties* Mind, as the Portal of all the reſt, could not, of it Self (my Imperfections conſidered) have animated me to have made Oblation of my Self immediately to your *Majeſty*, had it not been joyned with an Habit of the like Liberty, which I enjoyed with my late dear *Soveraign Miſtris*; A *Princeſſe* happy in all things elſe; but moſt happy in ſuch a *Succeſſor*. And yet further and more nearly, I was not a little encouraged, not only, upon a Suppoſal that unto your *Majeſties* Sacred Ear (open to the Air of all Vertues) there might come ſome ſmall Breath, of the good Memory of my *Father*, ſo long, a Principal *Counſellor* in your *Kingdom*; But alſo, by the particular Knowledge of the infinite Devotion and inceſſant Endeavours (beyond the ſtrength of his Body, and the nature of the Times;) which appeared in my good *Brother* towards your *Majeſties* Service; And were, on your *Majeſties* part, through your ſingular Benignity,

Benignity, by many moſt gracious and lively Significations and Favours, accepted and acknowledged, beyond the merit of any thing he could effect. Which Endeavours and Duties, for the moſt part, were common to my Self with him; though by deſign (as between *Brethren*) diſſembled And therefore, moſt high and mighty *King*, my moſt dear and dread *Soveraign Lord*; ſince now the *Corner Stone* is laid of the mightieſt *Monarchy* in *Europe*; And that *God* above who hath ever a Hand, in bridling the Floods and Motions of the Seas, and of *Peoples* Hearts, hath by the miraculous and univerſal conſent (the more ſtrange, becauſe it proceedeth from ſuch Diverſity of Cauſes in your coming in;) Given a Sign and Token of great Happineſs in the Continuance of your *Reign*; I think there is no *Subject* of your *Majeſties*, which loveth this *Iſland* and is not hollow or unworthy, whoſe Heart is not ſet on fire; not only to bring you Peace-Offerings to make you propitious; But to ſacrifice himſelf a *Burnt-Offering* or *Holocauſt* to your *Majeſties* Service: Amongſt which number no Mans Fire, ſhall be more pure and fervant than mine. But how far forth it ſhall blaze out, that reſteth in your *Majeſties* Imployment. So thirſting after the Happineſs of Kiſſing your *Royal Hand*, I continue ever.

To Mr. Faules *in* Scotland, *upon the Entrance of his* Majeſties Reign.

Sir,

THe Occaſion awaketh in me the Remembrance of the conſtant and mutual good Offices, which paſſed between my good *Brother* and your Self: whereunto (as you know) I was not altogether a Stranger; Though the Time and Deſign (as between *Brethren*) made me more reſerved. But well do I bear in mind the great opinion which my *Brother* (whoſe Judgement I much reverence) would often expreſs to me of your Extraordinary Sufficiency, Dexterity, and Temper, which he had found in you, in the Buſineſs and Service of the *King* our *Sovereign Lord*: This latter bred in me an Election, as the former gave an Inducement for me to addreſs my Self to you; And to make this Signification of my Deſire, towards a mutual Entertainment of good Affection and Correſpondence between us; Hoping that both ſome good Effect may reſult of it towards the *Kings* Service; And that, for our particulars, though Occaſion give you the precedence of furthering my being known by good note unto the *King*; So no long time will intercede before I on my part ſhall have ſome means given to requite your Favours, and to verifie your Commendation. And ſo with my loving Commendations, good Mr. *Faules*, I leave you to *Gods* Goodneſs. From *Grayes Inne* the 25th of *March*.

A Letter *commending his Love and Occaſions to Sir* Thomas Challoner *then in* Scotland, *upon his* Majeſties *Entrance.*

Sir,

FOr our Money matters, I am aſſured you received no Inſatisfaction: For you know my Mind; And you know my Means; which now the Openneſs of the time, cauſed by this bleſſed Conſent, and Peace, will encreaſe; and ſo our Agreement according to your time be obſerved. For the preſent, according to the *Roman Adage*; (That one *Cluſter of Grapes ripeneth beſt beſides another*;) I know you hold me not unworthy, whoſe mutual Friendſhip you ſhould cheriſh: And I, for my part, conceive good hope that you are likely to become an acceptable Servant to the *King* our *Maſter*: Not ſo much for any way made heretofore, (which in my Judgement will make no great difference) as for the Stuff and Sufficiency, which I know to be in you; and whereof I know his *Majeſty* may reap great Service. And therefore my general Requeſt is, that according to that induſtrious Vivacity, which you uſe towards your Friends, you will further his *Majeſties* good Conceit and Inclination towards me; to whom words cannot make me known; Neither mine own nor others; but Time will, to no Diſadvantage of any that ſhall fore-run his *Majeſties* Experience, by your Teſtimony and Commendation. And though Occaſion give you the Precedence of Doing me this ſpecial good Office; yet, I hope no long time will intercede, before I ſhall have ſome means, to requite your Favour and acquit your Report. More particularly, having thought good to make Oblation of my moſt humble Service to his *Majeſty* by a few Lines, I do deſire your loving care and help by your Self, or ſuch Means as I refer to your Diſcretion, to deliver and preſent the ſame to his *Majeſties* Hands. Of which *Letter* I ſend you a Copy, that you may know what you carry; and may take of Mr. *Matthew* the *Letter* it Self; if you be pleaſed to undertake the Delivery. Laſtly, I do commend to your Self and ſuch your Curteſies as Occaſion may require, this Gentleman Mr. *Matthew*; eldeſt Son to my *Lord Biſhop* of *Dureſm*, and my very good Friend; Aſſuring you that any Curteſie, you ſhall uſe towards him, you ſhall uſe to a very worthy young *Gentleman*, and one, I know, whoſe Acquaintance you will much eſteem. And ſo I ever continue.

A Letter *to* Mr. Davis *then gone to the* King, *at his firſt Entrance.*

Maſter Davis,

THough you went on the ſudden, yet you could not go before you had ſpoken with your Self, to the purpoſe, which I will now write: And therefore I know it ſhall be altogether needleſs, ſave that I meant to ſhew you that I was not aſleep. Briefly, I commend my Self to your Love and the well uſing my Name; as well in repreſſing and anſwering for me, if there be any Biting or Nibling at it in that Place; as by imprinting a good Conceit and Opinion of me, chiefly in the *King*; (of whoſe favour I make my Self comfortable Aſſurance;) as otherwiſe in

in that Court : And not only ſo, but generally to perform to me all the good Offices, which the Vivacity of your Wit can ſuggeſt to your mind, to be performed to one, with whoſe affection you have ſo great Sympathy ; and in whoſe Fortune you have ſo great Intereſt. So deſiring you to be good to *concealed Poets*, I continue.

A Letter *to Mr.* Faules 28 Martii, 1603.

Mr. *Faules*,

I Did write unto you yeſterday, by Mr. *Lake* (who was diſpatched hence from their *Lordſhips*,) a Letter of Revivour, of thoſe Sparks of former acquaintance between us in my *Brothers* time : And now upon the ſame confidence finding ſo fit a Meſſenger, I would not fail to ſalute you; hoping it will fall out ſo happily, as that you ſhall be one of the *Kings* Servants, which his *Majeſty* will firſt employ here with us: where I hope to have ſome means not to be barren in friendſhip towards you. We all thirſt after the *Kings* coming, accounting all this but as the *Dawning* of the *Day*, before the *Riſing* of the *Sun*, till we have his Preſence. And though now his *Majeſty* muſt be *Janus Bifrons*, to have a Face to *Scotland* as well as to *England*, yet, *Quod nunc inſtat agendum* : The Expectation is here, that he will come in *State* and not in *Strength*. So for this time, I commend you to *Gods* goodneſs.

A Letter *to Mr.* Robert Kempe, *upon the Death of* Queen Elizabeth.

Mr. *Kempe*,

THis Alteration is ſo great, as you might juſtly conceive ſome Coldneſs of my Affection towards you, if you ſhould hear nothing from me, I living in this place. It is in vain to tell you, with what wonderful, Still, and Calm, this Wheel is turned round : Which, whether it be a *Remnant* of her *Felicity*, that is gone, or a Fruit of his *Reputation* that is coming, I will not determine. For I cannot but divide my Self between her *Memory*, and his *Name:* Yet we account it but a fair *Morn* before *Sun-riſing*, before his *Majeſties* Preſence ; Though for my part, I ſee not whence any Weather ſhould ariſe. The *Papiſts* are contained with Fear enough, and Hope too much. The *French* is thought to turn his Practice, upon procuring ſome Diſturbance in *Scotland*, where Crowns may do wonders : But this Day is ſo welcome to the *Nation*, and the time ſo ſhort, as I do not fear the Effect. My *Lord* of *Southampton* expecteth Releaſe by the next Diſpatch, and is already much viſited, and much well wiſhed. There is continual poaſting by Men of good Quality towards the *King*. The rather, I think, becauſe this Spring time it is but a kind of Sport. It is hoped that as the *State* here, hath performed the part of good *Atturneys*, to deliver the *King* quiet Poſſeſſion of his *Kingdoms* : So the *King* will re-deliver them quiet Poſſeſſion of their *Places*; Rather filling Places void, than removing Men placed. So, *&c.*

A Letter *to my* Lord *of* Northumberland, *mentioning a* Proclamation *drawn for the* King, *at his Entrance.*

It may pleaſe your Lordſhip,

I Do hold it a Thing formal and neceſſary for the *King* to fore-run his Coming (be it never ſo ſpeedy) with ſome Gracious Declaration for the Cheriſhing, Entertaining and preparing of Mens Affections. For which purpoſe, I have conceived a Draught, it being a thing familiar in my *Miſtris* her times, to have my Pen uſed in publick Writings of Satisfaction. The Uſe of this may be in two ſorts: Firſt, properly if your *Lordſhip* think it convenient to ſhew the *King* any ſuch Draught, becauſe the Veins and Pulſes of this *State* cannot but be beſt known here; which if your *Lordſhip* ſhould do, then I would deſire you to withdraw my Name, and only ſignifie that you gave ſome Heads of Direction of ſuch a Matter, to one of whoſe Stile and Pen you had ſome Opinion. The other, Collateral; That though your *Lordſhip* make no other uſe of it, yet it is a Kind of Portraiture of that which I think worthy to be adviſed, by your *Lordſhip* to the *King*; and perhaps more compendious and ſignificant, than if I had ſet them down in *Articles*. I would have attended your *Lordſhip* but for ſome little Phyſick I took. To morrow morning I will wait on you. So I ever, *&c.*

A Letter *to the* Earl *of* Southampton *upon the* Kings *Coming in.*

It may pleaſe your Lordſhip,

I Would have been very glad, to have preſented my humble Service to your *Lordſhip* by my attendance, if I could have foreſeen that it ſhould not have been unpleaſing unto you. And therefore, becauſe I would commit no Error, I choſe to write; aſſuring your *Lordſhip* how credible ſoever it may ſeem to you at firſt, yet it is as true as a Thing that *God* knoweth; That this great Change hath wrought in me no other Change towards your *Lordſhip* than this; That I may ſafely *be* now that which I *was* truly before. And ſo craving no other pardon, than for troubling you with my *Letter*, I do not now begin to be, but continue to be,

Your *Lordſhips* humble and much devoted.

A Letter *to the* Earl *of* Northumberland, *after he had been with the* King.

It may pleaſe your good Lordſhip,

I Would not have loſt this Journey, and yet I have not that I went for. For I have had no private Conference to purpoſe with the *King*. No more

more hath almost any other English: For the Speech, his *Majesty* admitteth with some *Noblemen*, is rather Matter of Grace than Matter of Business; with the *Attorney* he spake, urged by the *Treasurer* of *Scotland*, but no more than needs must. After I had received his *Majesties* first welcome, and was promised private Access, yet not knowing what matter of Service your *Lordships Letter* carried (for I saw it not:) And well knowing that primeness in Advertisement is much, I chose rather to deliver it to Sir *Tho. Hoskins*, than to cool it in mine own Hands upon Expectation of Access. Your *Lordship* shall find a *Prince* the furthest from Vain-Glory that may be; And rather, like a *Prince* of the ancient Form than of the latter Time: His Speech is swift and Cursory, and in the full *Dialect* of his *Country*, and in speech of Business short, in Speech of Discourse large: He affecteth Popularity, by gracing such, as he hath heard to be Popular, and not by any Fashions of his own. He is thought somewhat general in his Favours; and his virtue of access is rather, because he is much abroad and in Press, than that he giveth easie Audience. He hasteneth to a mixture of both *Kingdoms* and Occasions, faster perhaps than Policy will well bear. I told your *Lordship* once before that (methought) his *Majesty* rather asked Counsel of the time past, than of the time to come. But it is yet early to ground any setled opinion. For the particulars, I refer to conference, having in these generals gone further, in so tender an Argument, than I would have done, were not the Bearer hereof so assured. So I continue, *&c.*

A Letter *to Mr.* Pierce, *Secretary to the* Deputy *of* Ireland.

Master Pierce,

I Am glad to hear of you as I do; and for my part, you shall find me ready to take any occasion to further your credit and preferment: And I dare assure you (though I am no Undertaker,) to prepare your way with my *Lord of Salisbury*, for any good fortune which may befall you. You teach me to complain of Business; whereby I write the more briefly; and yet I am so unjust, as that which I alledge for mine own Excuse, I cannot admit for yours. For I must by expecting, exact your Letters with this fruit of your sufficiency, as to understand how things pass in that *Kingdom*. And therefore having begun, I pray you continue. This is not meerly Curiosity, for I have ever (I know not by what Instinct) wish'd well to that impolish'd part of this *Crown*. And so with my very loving commendations, I remain.

A Letter *to the* King, *upon presenting the Discourse touching the* Plantation *of* Ireland.

It may please your excellent Majesty,

I Know not better how to express my good wishes of a *New-Year* to your *Majesty*, than by this little *Book*, which in all humbleness I send you.

The Stile, is a Stile of Buſineſs ratherthan curious or Elaborate. And herein, I was encouraged by my experience of your *Majeſties* former grace, in accepting of the like poor *Field-Fruits*, touching the *Union*: And certainly, I reckon this action as a *Second Brother* to the *Union*. For I aſſure my ſelf, that *England*, *Scotland*, and *Ireland* well united, is ſuch a *Trifoile*, as no *Prince*, except your Self (who are the worthieſt) weareth in his *Crown*, *Si potentia reducatur in Actum*. I know well, that for me to beat my Brains about theſe things, they be *Majora quam pro Fortunâ*; but yet they be, *Minora quam pro Studio, ac Voluntate*. For as I do yet bear an extreme Zeal to the Memory of my old *Miſtris*, *Queen Elizabeth*; to whom I was rather bound for her *Truſt* than her *Favour*; ſo I muſt acknowledge my ſelf more bound to your *Majeſty*, both for *Truſt* and *Favour*; whereof I will never deceive the one, as I can never deſerve the other. And ſo in all humbleneſs, kiſſing your Majeſties ſacred hands, I remain.

A Letter *to the* Lord Chancellor *touching the* Hiſtory *of* Britain.

It may pleaſe your good Lordſhip,

SOme late Act of his *Maj.* referred to ſome former Speech, which I have heard from your *Lordſhip*, bred in me a great deſire; and the ſtrength of deſire, a boldneſs to make an humble Propoſition to your *Lordſhip*; ſuch as in me can be no better than a *Wiſh*: But if your *Lordſhip* ſhould apprehend it, it may take ſome good and worthy effect. The act, I ſpeak of, is the Order given by his *Majeſty* for the erection of a *Tomb* or *Monument*, for our late *Sovereign Queen Elizabeth*; Wherein I may note much, but only this at this time; that as her *Majeſty* did alwayes right to his *Majeſties* hopes; ſo his *Highneſs* doth in all things right to her Memory; a very juſt and Princely retribution. But from this occaſion by a very eaſie aſcent I paſſed further, being put in mind by this repreſentative of her Perſon, of the more true and more vive repreſentation, which is of her *Life* and *Government*: For as *Statues* and *Pictures* are *dumb Hiſtories*, ſo *Hiſtories* are *ſpeaking Pictures*: wherein if my affection be not too great, or my reading too ſmall, I am of this opinion; that if *Plutarch* were alive to write *Lives* by *Parallels*, it would trouble him for Virtue and Fortune both, to find for her a *Parallel* amongſt *Women*. And though ſhe was of the *Paſſive Sex*, yet her *Government* was ſo *Active*, as in my ſimple opinion, it made more impreſſion upon the ſeveral *States* of *Europe*, than it received from thence. But I confeſs unto your *Lordſhip*, I could not ſtay there, but went a little further into the Conſideration of the times, which have paſſed ſince *King Henry* the 8th; wherein I find the ſtrangeſt Variety, that in ſo little number of *Succeſſions*, of any *Hereditary Monarchy*, hath ever been known: The *Reign* of a *Child*: The offer of an *Uſurpation*, though it were but as a *Diary Ague*; The *Reign* of a Lady, married to a *Foreiner*; And the *Reign* of a Lady, ſolitary and unmarried: So that, as it cometh to paſs in maſſive bodies, that they have certain Trepidations, and Waverings, before they fix and ſettle; ſo it ſeemeth, that by the *Providence* of *God*, this *Monarchy* (before it was to ſettle in his *Majeſty* and his generations, in which I hope it is now eſtabliſhed for ever) hath had theſe Prelu-

Preluſive changes in theſe Barren *Princes*. Neither could I contain my Self here; (as it is eaſier to multiply than to ſtay a wiſh;) But calling to remembrance, the Unworthineſs of the *Hiſtory* of *England*, in the main continuance thereof; And the Partiality and Obliquity of that of *Scotland*, in the lateſt and largeſt Offer that I have ſeen; I conceived it would be Honour for his *Majeſty*, and a work very memorable, if this *Iſland* of *Great Britain*, as it is now joyned in *Monarchy*, for the Ages to come; ſo it were joyned in *Hiſtory*, for the Times paſt; and that one juſt and compleat *Hiſtory*, were compiled of both *Nations*. And if any man think, it may refreſh the Memory of former Diſcords, he may ſatisfie himſelf with the Verſe; *Olim hæc meminiſſe juvabit*. For the Caſe being now altered, it is Matter of Comfort, and Gratulation to remember former troubles. Thus much, if it may pleaſe your Lordſhip, is in the *Optative Mood*. It is time that I did look a little into the *Potential*: wherein the Hope which I conceived, was grounded upon three Obſervations. 1. The *Nature* of theſe *Times*, which flouriſh in Learning, both of Art and Language: which giveth Hope, not only, that it may be done; but that it may be well done. 2. I do ſee that, which all the world ſees in his *Majeſty*, both a wonderful judgement in Learning, and a ſingular affection towards Learning; and works, which are of the *Mind*, and not of the *Hand*. For there cannot be, the like Honour ſought in building of *Galleries*, and Planting of *Elmes* along highwayes, and the outward *Ornaments* wherein *France* now is buſie; (things rather of *Magnificence* than of *Magnanimity*;) as there is in the *Uniting* of *States*, *Pacifying* of *Controverſies*, *Nouriſhing* and *Augmenting* of *Learning* and *Arts*, and the particular Actions appertaining unto theſe; Of which kind *Cicero* judged truly, when he ſaid to *Cæſar*; *Quantum operibus tuis detrahit vetuſtas, tantum addit laudibus*. And laſtly, I call to mind, that your *Lordſhip*, at ſome times, had been pleaſed to expreſs unto me, a great deſire, that ſomething of this Nature ſhould be performed; anſwerable indeed, to your other Noble & worthy Courſes and Actions: Joyning and adding, unto the great Services towards his *Majeſty* (which have in ſmall compaſs of time been put upon your *Lordſhip*) other great Deſervings, both of the *Church*, and *Commonwealth*, and *Particulars*: So as the Opinion of ſo great and wiſe a man, doth ſeem to me a good Warrant, both of the poſſibility and worth of this matter. But all this while, I aſſure my ſelf, I cannot be miſtaken by your *Lordſhip*, as if I ſought an Office or Employment for my ſelf: For no man knows better than your *Lordſhip*, that if there were in me any Faculty thereunto, yet neither my courſe of Life, nor Profeſſion, would permit it: But becauſe there be ſo many good *Painters*, both for *Hand* and *Colours*, it needeth but Encouragement and Inſtructions, to give Life unto it. So, in all Humbleneſs I conclude, my preſenting unto your *Lordſhip* of this *Wiſh*; which if it periſh, it is but a loſs of that which is not: And ſo craving pardon, that I have taken ſo much time from your *Lordſhip*, I remain.

A Letter *to the* King, *upon the ſending unto him, a* Beginning *of an* Hiſtory *of his* Majeſties *Times.*

It may pleaſe your Majeſty,

HEaring that you are at leiſure to peruſe Stories, a deſire took me, to make an Experiment, what I could do in in your *Majeſties* times; which being but a Leaf or two, I pray your pardon, if I ſend it for your Recreation; Conſidering, that Love muſt creep, where it cannot go. But to this, I add, theſe Petitions. Firſt, that if your *Majeſty* do diſlike any thing, you would conceive, I can amend it upon your leaſt beck. Next, that if I have not ſpoken, of your *Majeſty*, *Encomiaſtically*, your *Majeſty* would be pleaſed, only to aſcribe it to the *Law* of an *Hiſtory*; which doth not clutter praiſes, upon the firſt mention of a Name, but rather diſperſeth, and weaveth them, through the whole *Narrative*. And as for the proper place of *Commemoration*, (which is in the *Period* of *Life*) I pray *God*, I may never live to write it. Thirdly, that the reaſon, why I preſumed to think of this Oblation, was becauſe, that whatſoever my Diſability be, yet I ſhall have that advantage, which (almoſt) no *Writer* of *Hiſtory* hath had; In that, I ſhall write of Times, not only ſince I could remember, but ſince I could obſerve. And laſtly, that it is only for your *Majeſties* Reading.

A Letter *to the* Earl *of* Salisbury, *upon ſending of him one of his* Books, *of* Advancement of Learning.

It may pleaſe your good Lordſhip;

I Preſent your *Lordſhip*, with a *Work* of my vacant time; which if it had been more, the *Work* had been better. It appertaineth to your *Lordſhip* (beſides my particular reſpects) in ſome Propriety; In regard, you are a great *Governer* in a *Province* of *Learning*. And (that which is more) you have added to your Place, Affection towards *Learning*; and to your Affection, Judgement. Of which, the laſt, I could be content, were (for the time) leſs, that you might the leſs exquiſitely Cenſure, that which I offer unto you. But ſure I am, the Argument is good, if it had lighted upon a good *Author*. But I ſhall content my ſelf to awake better Spirits; Like a Bell-ringer, which is firſt up, to call others to *Church*. So with my humble Deſire of your Lordſhips good Acceptation, I remain.

A Letter *to the* Lord Treaſurer Buckhurſt, *upon the like Argument.*

May it pleaſe your Lordſhip;

I Have finiſh'd a *Work*, touching the *Advancement*, or ſetting forward of *Learning*; which I have dedicated to his *Majeſty*; the moſt learned, of a *Soveraign* or *Temporal Prince*, that Time hath known. And upon

upon reaſon not unlike, I humbly preſent one of the *Books* to your Lordſhip: Not only, as a *Chanceller* of an *Univerſity*, but as one that was excellently bred, in all Learning; which I have ever noted, to ſhine in all your Speeches and Behaviours. And therefore your Lordſhip, will yield a gracious Aſpect to your firſt Love; and take pleaſure in the Adorning of that wherewith your Self are ſo much adorned. And ſo humbly deſiring your favourable Acceptation thereof, with Signification of humble Duty, I remain.

A Letter *of the like Argument, to the* Lord Chanceller.

May it pleaſe your good Lordſhip;

I Humbly preſent your Lordſhip with a *Work*; wherein, as you have much Commandement over the *Author*; ſo your Lorſhip, hath alſo great intereſt in the *Argument*: For to ſpeak without Flattery, few have like uſe of Learning, or like judgement in Learning, as I have obſerved in your Lordſhip. And again, your Lordſhip hath been a great Planter of Learning; Not only in thoſe places in the *Church*, which have been in your own Gift; but alſo in your Commendatory Vote, no man hath more conſtantly held; *Detur digniori*: And therefore, both your Lordſhip is beholding to Learning, and Learning beholding to you; Which maketh me preſume, with good Aſſurance, that your Lordſhip will accept well of theſe my Labours; The rather, becauſe your Lordſhip, in private Speech hath often begun to me, in expreſſing your admiration of his *Majeſties learning*, to whom I have dedicated this *Work*; And whoſe Vertue, and Perfection in that kind, did chiefly move me to a Work of this Nature. And ſo, with ſignification of my moſt humble Duty, and Affection to your Lordſhip, I remain.

A Letter *of like Argument, to the* Earl *of* Northampton, *with requeſt, to Preſent the* Book *to his Majeſty.*

It may pleaſe your good Lordſhip;

HAving finiſhed a *Work*, touching the *Advancement* of *Learning*, and dedicated the ſame to his *Sacred Majeſty*, whom I dare avouch (if the Records of Time err not) to be the learnedeſt King, that hath reigned; I was deſirous, in a kinde of Congruity, to preſent it, by the learnedeſt *Counſellor* in this Kingdom; to the end, that ſo good an *Argument*, lighting upon ſo bad an *Author*, might receive ſome Reputation, by the Hands, into which, and by which, it ſhould be delivered. And therefore, I make it my humble Sute to your Lordſhip, to preſent this mean, but well meant *Writing*, to his *Majeſty*; and with it my humble and zealous Duty: And alſo, my like humble requeſt of Pardon, if I have too often taken his name in Vain; not only in the *Dedication*, but in the *Voucher* of the Authority of his Speeches, and Writings. And ſo I remain.

A Letter *of Request to* Dr. Playfer, *to Translate the* Book *of* Advancement of Learning, *into* Latine.

Mr. Dr. Playfer;

A Great Desire, will take a small Occasion, to hope and put in trial, that which is desired. It pleased you a good while since, to express unto me, the good liking which you conceived of my *Book*, of the *Advancement of Learning*; and that more significantly (as it seem'd to me) than out of courtesie, or civil Respect. My self, as I then took contentment in your approbation thereof; so I should esteem and acknowledge, not only my contentment encreased, but my Labours advanced, if I might obtain your help, in that nature which I desire. Wherein, before I set down, in plain terms, my request unto you, I will open my self, what it was which I chiefly sought, and propounded to my self, in that *Work*; that you may perceive, that which I now desire, to be pursuant thereupon. If I do not much err, (For any judgement that a man maketh of his own doings, had need be spoken, with a *Si nunquam fallit Imago*,) I have this opinion, that if I had sought mine own commendation, it had been a much fitter course for me, to have done as Gardeners used to do, by taking their Seed and Slipps, and rearing them first into Plants, and so uttering them in pots, when they are in Flower, and in their best state. But for as much as my End, was Merit of the *State* of *Learning* (to my power) and not *Glory*; And because my purpose was, to excite other mens Wits, than magnifie mine own; I was desirous, to prevent the uncertainess of mine own Life and Times, by uttering rather Seeds, than Plants: Nay, and further (as the *Proverb* is) by sowing with the *Basket*, rather than with the *Hand*: Wherefore since I have only taken upon me to ring a Bell, to call other wits together) which is the meanest Office) it cannot but be consonant to my desire, to have that Bell heard as far as can be: And since they are but Sparks, which can work but upon matter prepared, I have the more reason to wish, that those Sparks may flye abroad, that they may the better find, and light upon those Minds and Spirits, which are apt to be kindled. And therefore the privateness of the *Language* considered, wherein it is written, excluding so many Readers; As on the other side, the Obscurity of the Argument, in many parts of it, excludeth many others; I must accompt it a *Second Birth* of that *Work*, if it may be translated into *Latine*, without manifest loss, of the sense and matter. For this purpose, I could not represent to my self any man, into whose hands I do desire, more earnestly that *Work* should fall, than your self: For by that I have heard and read, I know no man a greater Master, in commanding words to serve matter. Nevertheless, I am not ignorant of the worth of your Labours; whether such as your Place and Profession imposeth; or such as your own Vertue, may upon your Voluntary Election take in hand. But I can lay before you, no other perswasions, than either the work it self may affect you with; or the *Honour* of his *Majesty*, to whom it is dedicated; or your particular inclination to my self; who, as I never took so much comfort in any Labours of mine own, so I shall never acknowledge my self more obliged, in any thing, to the Labour of another, than in that which shall assist it. Which your Labour, if I can, by my Place, Profession, Means,

Means, Friends, Travel, Work, Deed, requite unto you, I ſhall eſteem my Self ſo ſtreightly bound thereunto, as I ſhall be ever moſt ready, both to take, and ſeek occaſion of Thankfulneſs. So leaving it nevertheleſs, *Salvâ amicitiâ* (as reaſon is) to your own good liking, I remain,

A Letter *to Sir* Thomas Bodley, *upon ſending of him his* Book *of* Advancement *of* Learning.

I Think, no man may more truly ſay with the Pſalm, *Multùm Incola fuit Anima mea*, than my Self; For I do confeſs, ſince *I* was of any Underſtanding, my Minde, hath in effect been abſent from that *I* have done; and in Abſence, are many Errours, which *I* do willingly acknowledge; and amongſt the reſt, this great one that led the reſt: That knowing my Self, by inward Calling, to be fitter to hold a Book, than to play a part, *I* have led my life in Civil Cauſes; For which *I* was not very fit by Nature, and more unfit by the preoccupation of my Minde. Therefore calling my Self home, *I* have now, for a time, enjoyed my Self; whereof likewiſe, *I* deſire to make the *World* partaker. My Labours (if *I* may ſo term that, which was the comfort of my other Labours) *I* have Dedicated to the *King*; Deſirous, if there be any good in them, it may be as the *Fat* of a *Sacrifice*, incenſed to his *Honour*; And the ſecond *Copy*, *I* have ſent unto you: Not onely in good Affection, but in a kinde of Congruity, in regard of your great and rare deſert of Learning. For *Books* are the Shrines where the *Saint* is, or is believed to be. And you, having built an *Ark* to ſave *Learning* from *Deluge*, deſerve propriety in any new Inſtrument or Engine, whereby *Learning* ſhould be improved or advanced.

A Letter *to the* Biſhop *of* Ely, *upon ſending his* Writing, *entituled*, Cogitata, & Viſa.

My very good Lord;

NOw your *Lordſhip* hath been ſo long in the *Church* and the *Palace*, diſputing between *Kings* and *Popes*; Methinks, you ſhould take pleaſure to look into the *Field*, and refreſh your mind with ſome *Matter* of *Philoſophy*; though that *Science* be now, through Age, waxed a Childe again, and left to boyes and young men. And becauſe you were wont to make me believe, you took liking to my *Writings*, I ſend you ſome of this Vacations fruits, and thus much more of my minde and purpoſe. I haſten not to publiſh, perithing I would prevent. And I am forced to reſpect, as well my Times as the Matter. For with me it is thus, and I think with all men in my caſe: If I binde my ſelf to an Argument, it loadeth my minde; but if I rid my minde of the preſent *cogitation*, it is rather a Recreation. This hath put me into theſe *Miſcellanies*, which I purpoſe to ſuppreſs, if God give me leave, to write a juſt and perfect Volume of Philoſophy, which I go on with, though ſlowly. I ſend not your Lordſhip too much, leſt it may glut you. Now let me tell you what my Deſire is: if your Lordſhip be ſo good now, as when you were the good *Dean* of *Weſtminſter*, my requeſt to you is;

is; That not by Pricks but by Notes, you would mark unto me, whatsoever shall seem unto you, either not current in the Stile, or harsh to credit and Opinion, or inconvenient for the person of the Writer. For no man can be Judge and Party: and when our mindes Judge by Reflexion of our selves, they are more subject to Error. And though, for the matter it self, my judgment be in some things fixed, and not accessible by any mans judgement that goeth not my way; yet even in those things, the admonition of a Friend, may make me express my Self diversly. I would have come to your Lordship, but that I am hastening to my House in the *Country*. And so I commend your Lordship to Gods goodness.

A Letter *to Sir* Tho: Bodley, *after he had imparted to him, a* Writing, *entituled*, Cogitata, & Visa.

SIR,

IN respect of my going down to my *House* in the *Country*, I shall have miss of my *Papers*; which I pray you therefore to return unto me. You are, I bear you witness, slothful, and you help me nothing; so as I am half in conceit, that you affect not the Argument: For my Self, I know well you love, and affect. I can say no more to you, But, *Non canimus Surdis, respondent omnia Sylvæ.* If you be not of the Lodgings, chaulked up (whereof I speak in my Preface) I am but to pass by your Door. But if I had you but a Fortnight at *Gorhambury*, I would make you tell me another Tale; or else, I would add a Cogitation against *Libraries*, and be revenged on you that way. I pray send me some good News of Sir *Th. Smith*, and commend me very kindly to him. So I rest.

A Letter *to Mr.* Matthew, *upon sending to him a part of* Instauratio Magna.

Mr. *Matthew*,

I Plainly perceive, by your affectionate writing, touching my Work, that one and the same thing affecteth us both; which is the good End to which it is dedicate. For as to any ability of mine, it cannot merit that degree of Approbation. For your Caution for *Church Men*, and *Church Matters*, as for any impediment it might be to the Applause and Celebrity of my *Work*, it moveth me not; But as it may hinder the Fruit, and Good, which may come of a quiet and calm passage, to the good Port to which it is bound, I hold it a just respect; so as to fetch a fair Winde, I go not too farr about. But the Troth is, that I, at all have no occasion to meet them in my way; Except it be as they will needs confederate themselves with *Aristotle*, who, you know is intemperately magnified by the *School-Men*; And is also allied, as I take it, to the *Jesuits* by *Faber*, who was a Companion of *Loyola*, and a great *Aristotelian*. I send you at this time the onely part which hath any harshness; and yet I framed to my Self an Opinion, that whosoever allowed well of that Preface, which you so much commend, will not dislike, or at least ought not to dislike this other Speech of Preparation: For it is written out of the same Spirit, and out of the same Necessity: Nay, it doth more fully lay open, that the Question between me and the *Ancients*, is not

not of the *Virtue* of the *Race* but of the *Rightneſs* of the *Way*. And to ſpeak truth it is to the other, but as *Palma* to *Pugnus*, part of the ſame thing more large. You conceive aright, that in this and the other, you have Commiſſion to impart and communicate them to others, according to your Diſcretion. Other matters I write not of. My ſelf am like the Miller of *Grancester*, that was wont to pray for Peace amongſt the Willows; For while the Winds blew, the Wind-mills wrought and the Water-mill was leſs cuſtomed. So I ſee, that *Controverſies* of *Religion*, muſt hinder the *Advancement* of *Sciences*. Let me conclude with my perpetual Wiſh towards your Self; that the approbation of your Self, by your own diſcreet and temperate cariage, may reſtore you to your *Country* and your *Friends* to your *Society*. And ſo I commend you to *Gods* Goodneſs. *Grayes-Inn*, 10 *Octob.* 1609.

A Letter *to Mr.* Matthew, *touching* Inſtauratio Magna.

Miſter Matthew,

I Heartily thank you for your *Letter* of the 10th of *February*; and am glad to receive from you, matter both of encouragement and of advertiſement touching my *Writings*. For my part, I do wiſh that ſince there is no *Lumen-ſiccum* in the *World*; but all *Madidum* and *Maceratum* infuſed in affections, and bloods or humours, that theſe things of mine had thoſe ſeparations that might make them more acceptable: So that they claim not ſo much acquaintance of the preſent times, as they be thereby the leſs apt to laſt. And to ſhew you, that I have ſome purpoſe to new mould them; I ſend you a Leaf or two of the *Preface*, carrying ſome Figure of the whole *Work*. Wherein I purpoſe to take that, which I count real and effectual of both *Writings*; and chiefly to add a pledge (if not payment) to my promiſes, I ſend you alſo a *Memorial* of *Queen Elizabeth*; to requite your *Elogy* of the late *Duke* of *Florences* felicity. Of this, when you were here, I ſhewed you ſome model; at what time (methought) you were more willing to hear *Julius Cæſar* than *Queen Elizabeth* commended. But this which I ſend is more full, and hath more of the *Narrative*. And further, hath one part, that I think will not be diſagreeable either to you or that place; being the true Tract of her proceedings towards the *Catholiques* which are infinitely miſtaken. And though I do not imagine they will paſs allowance there, yet they will gain upon excuſe. I find Mr. *Le Zure* to uſe you well (I mean his Tongue of you) which ſhews you either honeſt or wiſe. But this I ſpeak merrily. For in good faith, I do conceive hope, that you will ſo govern your ſelf, as we may take you as aſſuredly for a good *Subject* and *Patriot*, as you take your ſelf for a good *Chriſtian*; And ſo we may again enjoy your company and you your Conſcience, if it may no other wayes be. For my part, aſſure your ſelf (as we ſay in the *Law*) *mutatis mutandis*, my love and good wiſhes to you are not diminiſhed. And ſo I remain.

A Letter *to Mr.* Matthew, *imprisoned for* Religion.

Mr. *Matthew*,

DO not think me forgetful or altered towards you. But if I should say, I could do you any good, *I* should make my Power more than it is. I do hear that which I am right sorry for; that you grow more impatient and busie than at first: which maketh me exceedingly fear the issue of that, which seemeth not to stand at a stay. *I* my self am out of doubt, that you have been miserably abused, when you were first seduced: But that, which I take in compassion others may take in severity. I pray *God* that understandeth us all (better than we understand one another) contain you (even as *I* hope he will) at the least within the bounds of loyalty to his *Majesty*, and natural piety towards your *Country*. And *I* entreat you much, sometimes to meditate upon the extreme effects of *Superstition* in this last *Powder Treason*; fit to be tabled and pictured in the Chambers of *Meditation* as another *Hell* above the ground; and well justifying the censure of the *Heathen*; that *Superstition* is far worse than *Atheism*: By how much it is less evil to have an opinion of *God* at all; than such, as is impious towards his *Divine Majesty* and *Goodness*. Good Mr. *Matthew* receive your self back, from these courses of Perdition: Willing to have written a great deal more, I continue.

A Letter *to Mr.* Matthew, *upon sending his* Book, De Sapientiâ Veterum.

Mr. *Matthew*,

I do very heartily thank you for your *Letter* of the 24. of *August* from *Salamanca*; and in recompence thereof, I send you a little *Work* of mine, that hath begun to pass the *World*. They tell me my *Latin* is turn'd into Silver and become current: Had you been here, you should have been my *Inquisitor* before it came forth. But I think the greatest *Inquisitor* in *Spain* will allow it. But one thing you must pardon me, if I make no haste to believe, that the World should be grown to such an Exstasie, as to reject *Truth* in *Philosophy*, because the *Author* dissenteth in *Religion*: No more than they do by *Aristotle* or *Averroës*. My great *Work* goeth forward; and after my manner *I* alter ever when I add. So that nothing is finished, till all be finished. This *I* have written in the midst of a *Term* and *Parliament*; thinking no time so possessed, but that *I* should talk of these matters, with so good and dear a *Friend*. And so with my wonted Wishes, I leave you to *Gods* goodness. From *Grayes-Inn*, 27th. of *Febr.* 1610.

A Letter *of* Expoſtulation *to the* Atturney Generally, *Sir* Edward Cook.

Mr. *Atturney*,

I Thought beſt once for all, to let you know in plainneſs what I find of you, and what you ſhall find of me: You take to your ſelf, a Liberty, to diſgrace, and diſable my *Law*, my *Experience*, my *Diſcretion*: What it pleaſeth you, I pray, think of me; I am one that know's both mine own wants and other Mens: And it may be, perchance, that mine mend, others ſtand at a ſtay. And ſurely, I may not endure in publick place to be wronged, without repelling the ſame to my beſt advantage to right my Self. You are great, and therefore have the more Enviers; which would be glad to have you paid at anothers coſt. Since the time I miſſed the *Solliciters* place (the rather I think by your means) I cannot expect, that you and I ſhall ever ſerve as *Atturney* and *Solliciter* together; But either, to ſerve with another, upon your Remove, or to ſtep into ſome other Courſe: So as I am more free than ever I was, from any Occaſion of unworthy Conforming my Self to you; More then general good manners, or your particular good Uſage ſhall provoke. And if you had not been ſhort-ſighted in your own Fortune (as I think) you might have had more uſe of me. But that Tide is paſſed. I write not this, to ſhew my Friends what a brave *Letter* I have written to Mr. *Atturney*: I have none of thoſe Humours: But that I have written is to a good End; That is, to the more decent Carriage of my *Maſters Service*; And to our particular better Underſtanding one of another. This *Letter*, if it ſhall be anſwered by you, in deed and not in word, I ſuppoſe it will not be worſe for us both: Elſe it is but a few lines loſt; which, for a much ſmaller matter, I would have adventured. So this being to your ſelf, I for my part reſt.

A Letter *to my* Lord *of* Salisbury, *touching the* Solliciters *Place.*

It may pleaſe your good Lordſhip,

I Am not ignorant, how mean a thing, I ſtand for, in deſiring to come into the *Solliciters* Place: For I know well, it is not the thing it hath been; time having wrought Alteration, both in the Profeſſion, and in that ſpecial Place. Yet becauſe, I think, it will encreaſe my practice, and that it may ſatisfy my friends; and becauſe I have been voiced to it, I would be glad it were done. Wherein, I may ſay to your *Lordſhip*, in the Confidence, of your poor Kinſman, and of a Man by you advanced; *Tu idem fer opem, qui Spem dediſti*: For, I am ſure, it was not poſſible for a Man Living, to have received from another, more ſignificant and comfortable words of hope; your *Lordſhip* being pleaſed to tell me, during the Courſe of my laſt Service, that you would raiſe me; and that, when you had reſolved to raiſe a man, you were more carefull of him than himſelf; and that, what you had done for me in my *Marriage*, was a benefit to me, but of no uſe to your *Lordſhip*; and therefore, I might aſſure my ſelf, you would not leave

me there; with many like ſpeeches, which I knew my duty too well, to take any other hold of, than the hold of a thankful Remembrance. And I acknowledge, and all the world knoweth, that your *Lordſhip* is no dealer of *Holy-water*, but *Noble* and *Real*; and on my part, I am of a ſure ground, that I have committed nothing that may deſerve alteration. And therefore, my hope is your *Lordſhip* will finiſh a good work, and conſider that time groweth precious with me, and that I am now in *Vergentibus Annis*. And although I know, that your fortune is not to need an hundred ſuch as I am, yet I ſhall be ever ready to give you my beſt and Firſt fruits; and to ſupply (as much as in me lieth) worthineſs by thankfulneſs.

A Letter *of like Argument, to the* Lord Chancellor.

It may pleaſe your good Lordſhip,

AS I conceived it to be a reſolution both with his *Majeſty*, and your *Lordſhips* of his *Council*, that *I* ſhould be placed *Solliciter*, and the *Solliciter* to be removed, to be the *Kings Serjeant* : So *I* moſt thankfully acknowledge your *Lordſhips* furtherance and forwardneſs therein; your *Lordſhip* being the man that firſt deviſed the mean : Wherefore my humble requeſt to your *Lordſhip* is, that you would ſet in with ſome ſtrength to finiſh this your *Work* : Which I aſſure your *Lordſhip*, *I* deſire the rather becauſe being placed, *I* hope for many favours, at laſt to be able, to do you ſome better ſervice. For as I am, your *Lordſhip* cannot uſe me; nor ſcarcely indeed know me : not that I vainly think I ſhall be able to do any great matters, but certainly it will frame me to uſe a nearer obſervance and application, to ſuch as *I* honour ſo much as I do your *Lordſhip*; And not (I hope) without ſome good Offices, which may now and then, deſerve your thanks. And herewithall (good my *Lord*) I humbly pray your *Lordſhip* to conſider, that *Time* groweth precious with me, and that a *Married* man is ſeven years elder in his thoughts the firſt day. And therefore what a diſcomfortable thing it is for me to be unſetled ſtill? Certainly, were it not that I think my ſelf born to do my *Soveraign* ſervice; and therefore in that Station I will live and die; otherwiſe for mine own private comfort, it were better for me, that the *King* did blot me out of his *Book*; or that I ſhould turn my courſe to endeavour to ſerve, in ſome other kind, than for me to ſtand thus at a ſtop; and to have that little reputation which by my induſtry I gather, to be ſcattered and taken away by continual diſgraces, every new man coming above me. Sure I am, I ſhall never have fairer promiſes and words from all your *Lordſhips*. For I know not what my ſervices are (ſaving that your *Lordſhips* told me, they were good;) and I would believe you in a much greater matter. Were it nothing elſe, I hope the modeſty of my ſuit deſerveth ſomewhat; for *I* know well the *Solliciters* Place, is not as your *Lordſhip* left it; time working Alteration ſomewhat in the profeſſion, much more in that ſpeciall Place. But to conclude, as my *Honourable Lady*, your Wife, was ſome mean to make me to change the name of another; ſo if it pleaſe you to help me to change mine own name, *I* can be but more and more bounden to you : And I am much deceived, if your *Lordſhip* find not the *King* well inclined, and my *Lord* of *Salisbury* forward and affectionate.

A Letter *to the* King, *touching the* Solliciters *Place.*

HOw honeſtly ready I have been (moſt gracious *Soveraign*) to do your *Majeſty* humble ſervice, to the beſt of my power, and in a manner beyond my power (as I now ſtand) I am not ſo unfortunate, but your *Majeſty* knoweth. For both in the *Commiſſion* of *Union* (the Labour whereof, for men of my Profeſſion, reſted moſt upon my hand;) and this laſt *Parliament*, in the *Bill* of the *Subſidy*; both Body and Preamble; in the *Bill* of *Attainders*, both *Treſham* and the reſt; in the *Matter* of *Purveyance*; in the *Eccleſiaſtical Petitions*; in the *Grievances*; and the like; as I was ever careful (and not without good ſucceſs) ſometimes to put forward that which was good; ſometimes to keep back that which was not ſo good: ſo your *Majeſty* was pleaſed kindly to accept of my ſervices, and to ſay to me; ſuch Conflicts were the Wars of Peace; and ſuch Victories the Victories of Peace; and therefore ſuch Servants that obtained them, were by *Kings* that reign in peace, no leſs to be eſteemed than ſervices of Commanders in the Wars. In all which, nevertheleſs, I can challenge to my ſelf no ſufficiency, but that I was diligent and reaſonably happily to execute thoſe directions, which I received, either immediately from your *Royal Mouth*, or from my *Lord* of *Salisbury*. At what time it pleaſed your *Majeſty* alſo, to promiſe and aſſure me, that upon the remove of the then *Atturney*, I ſhould not be forgotten, but brought into *Ordinary Place*. And this was after confirmed to me, by many of my *Lords*, and towards the end of the laſt Term, the manner alſo in particular ſpoken of; that is, that Mr. *Solliciter* ſhould be made your *Majeſties Serjeant*, and I *Solliciter*: For ſo it was thought beſt to ſort with both our Gifts and Faculties, for the good of your Service: And of this reſolution both *Court* and *Country* took knowledge. Neither was this any invention or project of mine own; but moved from my *Lords*, I think, firſt from my *Lord Chancellor*: whereupon reſting, your *Majeſty* well knoweth, I never opened my mouth for the *Greater Place*; though I am ſure, I had two circumſtances, that Mr. *Atturney*, that now is, could not allege: The one nine years ſervice of the Crown: The other, the being *Couſin German*, to the *Lord* of *Salisbury*, whom your *Majeſty* eſteemeth and truſteth ſo much. But for the leſs Place, I conceive it was meant me. But after that Mr. *Atturney Hobert* was placed, I heard no more of my preferment; but it ſeemed to me at a ſtop, to my great diſgrace and diſcouragement. For (gracious *Soveraign*) if ſtill when the *Waters are ſtirr'd*, another ſhall be put in before me, your *Majeſty* had need work a *Miracle*, or elſe I ſhall be ſtill a lame man to do your Service. And therefore my moſt humble ſuit to your *Majeſty*, is; that this which ſeemed to me intended, may ſpeedily be performed: And I hope my former ſervice ſhall be, but as beginnings to better, when I am better ſtrengthened: For ſure I am, no mans heart is fuller (I ſay not, but many may have greater hearts, but I ſay not fuller) of love and duty towards your *Majeſty* and your *Children*, as, I hope, time will manifeſt againſt envy and detraction if any be. To conclude, I moſt humbly crave pardon for my boldneſs, and reſt.

A Letter *to the* Earl *of* Salisbury *of Curteſie upon a* New-years Tide.

It may pleaſe your good Lordſhip,

HAving no *Gift* to preſent you with, in any degree proportionable to my mind; I deſire nevertheleſs, to take the advantage of a *Ceremony*, to expreſs my ſelf, to your *Lordſhip*; it being the firſt time, I could make the like acknowledgement, when I ſtood out of the perſon of a ſuter: wherefore, *I* moſt humbly pray your *Lordſhip*, to think of me, that now it hath pleaſed you, by many Effectual and great benefits to add the aſſurance and comfort of your Love and Favour, to that precedent diſpoſition which was in me, to admire your virtue and merit; I do eſteem whatſoever I have or may have in this world, but as traſh in compariſon of having the honour and happineſs, to be a near and well accepted Kinſman, to ſo rare and worthy a *Counſeller*, *Governor*, and *Patriot*. For having been a ſtudious, if not a curious obſerver of *Antiquities* of *virtue*, as of late *Pieces*; *I* forbear to ſay to your *Lordſhip* what *I* find and conceive; but to any other, *I* would think, to make my ſelf believed. But not to be tedious, in that, which may have the ſhew of a Complement, I can but wiſh your *Lordſhip* many happy years; many more then your *Father* had; even ſo many more, as we may need you more. So I remain.

A Letter *of* Thanks *to the* King, *upon Mr.* Atturney's *Sickneſs.*

It may pleaſe your moſt excellent Majeſty,

I Do underſtand, by ſome of my good friends, to my great comfort, that your *Majeſty* hath in mind, your *Majeſties Royal* Promiſe (which to me is *Anchora Spei*) touching the *Atturney's* Place. I hope, Mr. *Atturny* ſhall do well. I thank *God*, I wiſh no mans death; nor much mine own life, more than to do your *Majeſty* Service. For I account my life the accident, and my duty the ſubſtance. But this I will be bold to ſay. If it pleaſe *God*, that ever I ſerve your *Majeſty* in the *Atturney's* place, I have known an *Atturney Cooke*, and an *Atturney Hobert*; both worthy men, and far above my ſelf: But if I ſhould not find, a middle way, between their two Diſpoſitions and carriages, I ſhould not ſatisfy my ſelf. But theſe things, are far or near, as it ſhall pleaſe *God*. Mean while, I moſt humbly pray your *Majeſty* to accept my *Sacrifice* of *Thanksgiving* for your *Gracious Favour*. *God* preſerve your *Majeſty*. I ever remain.

A Letter *to the* King, *of Suit to ſucceed in the* Atturney's *Place.*

It may pleaſe your Majeſty,

YOur great and princely Favours towards me, in Advancing me to *Place*; and that which is to me, of no leſs comfort, your *Majeſties* benign

benign and gracious acceptation, from time to time of my poor Services much above the Merit and Valew of them; hath, almoſt, brought me to an opinion, that I may ſooner (perchance) be wanting to my ſelf in not asking; than find your *Majeſties* goodneſs wanting to me, in any my reaſonable and modeſt deſires. And therefore perceiving how at this time, Preferments of Law fly about mine Ears; to ſome above me and to ſome below me: I did I conceive, your *Majeſty* may think it, rather a kind of dulneſs or want of faith, than modeſty, if I ſhould not come with my *pitcher* to *Jacobs Well*, as others do. Wherein I ſhall propound to your *Majeſty*, that which tendeth not ſo much to the raiſing of my fortune, as to the ſetling of my mind; being ſometimes aſſailed with this cogitation, that by reaſon of my ſlowneſs to ſee and apprehend ſuddain occaſions; keeping on one plain courſe of painfull ſervice; I may (in *fine Dierum*) be in danger to be neglected and forgotten. And if that ſhould be, then were it much better for me, now while I ſtand in your *Majeſties* good opinion (though unworthy) and have ſome little reputation in the World, to give over the Courſe I am in, and to make proof to do you ſome honour by my *Pen*, either by writing ſome faithfull *Narrative* of your Happy (though not untraduced) times; or by recompiling your *Laws* (which I perceive your *Majeſty* laboureth with; and hath in your head as *Jupiter* had *Pallas*;) or ſome other the like work: (For without ſome endeavour to do you honour I would not live;) than to ſpend my wits and time in this laborious place wherein I now ſerve; if it ſhall be deprived of thoſe outward ornaments, which it was wont to have in reſpect of an aſſured ſucceſſion to ſome place of more dignity and reſt: which ſeemeth now to be an hope altogether caſual, if not wholly intercepted. Wherefore (not to hold your *Majeſty* long) my humble ſuit to you, is that, than the which I think I cannot well go lower; which is, that I may obtain your Royal promiſe to ſucceed (if I live) into the *Atturneys* place, whenſoever it ſhall be void: it being but the natural and immediate ſtep and riſe, which the place I now hold, hath ever (in ſort) made claim to and almoſt never failed of. In this ſuit I make no Friends to your *Majeſty*, but rely upon no other *Motive* but your *Grace*; nor any other *Aſſurance* but your *Word*; whereof I had good experience, when I came to the *Solliciters* Place; that it was like to the two *great Lights*, which in their motions are never *Retrograde*. So with my beſt Prayers for your *Majeſties* happienſs. I reſt.

A Letter *to Sir* George Carey *in* France, *upon ſending him, his* Writing, In Felicem Memoriam Elizebethæ.

My very good Lord,

BEing asked the Queſtion, by this Bearer an old Servant of my *Brother Anthony Bacons*, whether I would command him any thing into *France*; and being at better leiſure than I would in regard of ſickneſs; I began to remember, that neither your buſineſs nor mine (though great and continual) can be upon an exact account, any juſt occaſion, why ſo much

much good will, as hath paſſed between us, ſhould be ſo much diſcontinued as hath been. And therefore, becauſe one muſt begin, I thought to provoke your remembrance of me by a Letter: And thinking to fit it with ſomewhat beſide ſalutations, it came to my mind, that this laſt Summer Vacation, by occaſion of a *Factious Book*, that endeavoured to verifie *Miſera Femina*, (the addition of the *Popes Bull*) upon *Queen Elizabeth*, I did write a few Lines in her memorial; which I thought you would be pleaſed to read; both for the argument; and becauſe you were wont to bear affection to my Pen. *Verum, ut aliud ex alio*, if it came handſomly to paſs I would be glad the *Preſident de* **Thou* (who hath written an *Hiſtory* as you know of that fame and diligence) ſaw it: chiefly, becauſe I know not whether it may not ſerve him for ſome uſe in his *Story*: wherein, I would be glad he did right to the Truth, and to the Memory of that *Lady*, as I perceive by that he hath already written, he is well enclined to do. I would be glad alſo it were ſome occaſion (ſuch as abſence may permit) of ſome acquaintance or mutual notice between us. For though he hath many wayes the precedence (chiefly in worth) yet this is common to us both, that we ſerve *our Sovereigns* in places of *Law* eminent: And not our ſelves only, but our *Fathers* did ſo before us: And laſtly, that both of us love *Learning* and *Liberal Sciences*, which was ever a bond of friendſhip in the greateſt diſtance of places. But of this, I make no further requeſt than your occaſions, and reſpects (to me unknown) may further, or limit; my principal purpoſe being to ſalute you, and to ſend you this Token. Whereunto I will add my very kind commendations to my *Lady*; and ſo commit you both to *Gods* holy protection.

* *Thuanus.*

A Letter *to my* Lord Major, *upon a proceeding in a Private Cauſe.*

My very good Lord,

I Did little expect when I left your *Lordſhip* laſt, that there would have been a proceeding againſt Mr. *Barnard* to his overthrow. Wherein I muſt confeſs my ſelf to be in a ſort acceſſary: Becauſe he relying upon me for counſel, I adviſed that courſe which he followed. Wherein now I begin to queſtion my ſelf, whether in preſerving my reſpects to your *Lordſhip* and the reſt, I have not failed in the duty of my profeſſion towards my Client. For certainly, if the words had been hainous, and ſpoken in a malitious faſhion, and in ſome publick place and well proved; and not a prattle in a Tavern, caught hold of by one, who (as I hear) is a detected Sycophant (*Standiſh* I mean;) yet I know not what could have been done more than to impoſe upon him a grievous fine; and to require the levying of the ſame; and to take away his means of life by his *Diſfranchiſement*; and to commit him to a defamed Priſon during *Chriſtmaſs*; in honour whereof the Priſoners in other Courts do commonly of grace obtain ſome enlargement. This rigor of Proceeding (to tell your *Lordſhip* and the reſt, as my good Friends, my opinion plainly) tendeth not to ſtrengthen *Authority* which is beſt ſupported by love and fear intermixed; but rather to make people diſcontented and ſervile; eſpecially, when ſuch puniſhment is inflicted for words, not by rule of *Law*, but

but by a *Juriſdiction* of *Diſcretion*, which would evermore be moderately uſed. And I pray *God*, whereas Mr. *Recorder*, when I was with you, did well and wiſely, put you in mind of the admonitions you often received from my *Lords*, that you ſhould bridle unruly Tongues; that thoſe kind of ſpeeches and rumours whereunto thoſe admonitions do refer, which are concerning the *State* and *Honour thereof*, do not paſs too licentiouſly in the *City* unpuniſhed; while theſe words which concern your particular, are ſo ſtraightly enquired into, and puniſhed with ſuch extremity. But theſe things, your own wiſdom (firſt or laſt) will beſt repreſent unto you. My writing unto you at this time, is, to the end, that howſoever I do take it ſomewhat unkindly, that my mediation prevailed no more; yet I might preſerve that further reſpect that I am willing to uſe unto ſuch a ſtate, in delivering my Opinion unto you freely, before I would be of Counſel, or move any thing that ſhould croſs your Proceedings; which notwithſtanding (in caſe my Client can receive no relief at your hands) I muſt and will do. Continuing, nevertheleſs in other things, my wonted good affection to your ſelves, and your occaſions.

A Letter *to my* Lord Treaſurer Salisbury, *upon a* New-years Tide.

It may pleaſe your good Lordſhip,

I Would entreat the *New year* to anſwer for the *Old*, in my humble thanks to your *Lordſhips*; both for many your favours, and chiefly that upon the occaſion of Mr. *Atturneys* infirmity, I found your *Lordſhip* even as I could wiſh. This doth encreaſe a deſire in me, to expreſs my thankful mind to your *Lordſhip*; hoping that though I find age, and decayes grow upon me, yet I may have a flaſh or two of ſpirit left to do you ſervice. And I do proteſt before *God*, without complement or any light vanity of mind, that if I knew in what courſe of life to do you beſt ſervice, I would take it, and make my thoughts, which now fly to many pieces, to be reduced to that Center. But all this, is no more than I am; which is not much: But yet the entire of him, that is, *&c.*

A Letter *to his* Majeſty, *concerning* Peachams *Cauſe*, January 21. 1614.

It may pleaſe your Excellent Majeſty,

IT grieveth me exceedingly, that your *Majeſty* ſhould be ſo much troubled with this matter of *Peachams*; whoſe *Raging Devil* ſeemeth to be turn'd into a *dumb Devil*. But although we are driven to make our way through *Queſtions* (which I wiſh were otherwiſe) yet I hope well the end will be good. But then every man muſt put too his helping hand; for elſe I muſt ſay to your *Majeſty*, in this and the like Caſes, as St. *Paul* ſaid, to the *Centurion*, when ſome of the Mariners had an eye to the Cockboat: *Except theſe ſtay in the Ship, ye cannot be ſafe.* I find in my *Lords*

great and worthy care of the buſineſs. And for my part I hold my opinion and am ſtrengthened in it, by ſome *Records* that I have found. *God* preſerve your *Majeſty*.

Your *Majeſties* moſt humble, and devoted *Subject* and *Servant*.

A Letter *to the* King, *touching* Peachams *Cauſe*, January 27. 1614.

It may pleaſe your excellent Majeſty,

THis day in the afternoon, was read, your *Majeſties* Letters of Direction touching *Peacham*; which becauſe it concerneth properly the duty of my Place, I thought it fit for me to give your *Majeſty*, both a ſpeedy and private account thereof; that your *Majeſty* knowing things clearly how they paſs, may have the true fruit of your own Wiſdom and clear-ſeeing Judgment in governing the *Buſineſs*.

Firſt, for the *Regularity* which your *Majeſty* (as a Maſter in buſineſs of *Eſtate*) doth prudently preſcribe in examining, and taking examinations, I ſubſcribe to it; only I will ſay for my ſelf; that I was not at this time the principal Examiner.

For the courſe your *Majeſty* directeth and commandeth, for the feeling of the *Judges* of the *Kings-Bench*, their ſeveral Opinions by diſtributing our ſelves and enjoyning Secrecy; we did firſt find an encounter in the Opinion of my *Lord Cooke*; who ſeemed to affirm, that ſuch particular and (as he call'd it) *Auricular* taking of Opinions, was not according to the Cuſtome of this *Realm*; and ſeemed to divine that his *Brethren* would never do it. But when I replied, that it was our duty to purſue your *Majeſties* Directions; and it were not amiſs for his *Lordſhip* to leave his *Brethren* to their own Anſwers; it was ſo concluded; and his *Lordſhip* did deſire, that I mought confer with himſelf; and Mr. *Serjeant Montague* was named to ſpeak with *Juſtice Crooke*; Mr. *Serjeant Crew* with *Juſtice Houghton*; and Mr. *Solliciter* with *Juſtice Dodderidge*. This done, I took my Fellows aſide, and adviſed that they ſhould preſently ſpeak with the three *Judges*, before I could ſpeak with my *Lord Cooke* for doubt of infuſion; and that they ſhould not in any caſe make any doubt to the *Judges*, as if they miſtruſted, they would not deliver any Opinion apart, but ſpeak reſolutely to them, and only make their coming to be, to know what time they would appoint to be attended with the Papers. This ſorted not amiſs; For Mr. *Solliciter* came to me this evening and related to me, that he had found *Judge Dodderidge* very ready to give Opinion in ſecret; and fell upon the ſame reaſon, which upon your *Majeſties* firſt *Letter* I had uſed to my *Lord Cooke* at the *Council Table*; which was, that every *Judge* was bound expreſly by his *Oath*, to give your *Majeſty* Counſel when he was called; and whether he ſhould do it joyntly or ſeverally, that reſted in your *Majeſties* good pleaſure as you would require it. And though the ordinary courſe was to aſſemble them, yet there mought intervene Caſes, wherein the other courſe was more convenient. The like anſwer made *Juſtice Crook*, *Juſtice Houghton* who is a ſoft man, ſeemed deſirous firſt to confer; alledging

alleging, that the other three *Judges* had all served the *Crown*, before they were *Judges*, but that he had not been much acquainted with busines of this nature.

We purpose therefore, forthwith, they shall be made acquainted with the *Papers*; and if that could be done, as suddainly, as this was, I should make small doubt of there Opinions: And howsoever, I hope, force of Law and President, will bind them to the truth: Neither am I wholly out of hope, that my *Lord Cooke* himself, when I have in some dark manner put him in doubt, that he shall be left alone, will not continue singular.

For *Omen*; I know not the reason, why there should have been no mention made thereof in the last Advertisement: for I must say for my self, that I have lost no moment of time in it, as my *Lord of Canterbury* can bear me witness. For having received from my *Lord*, an *Additional* of great importance; which was, that *Omen* of his own accord after examination, should compare the Case of your *Majesty* (if you were *Excommunicate*) to the Case of a Prisoner condemned at the Bar; which *Additional* was subscribed by one Witness; but yet I perceived it was spoken aloud, and in the hearing of others; I presently sent down a Copy thereof, which is now come up, attested with the hands of three more, lest there should have been any Scruple of *singulvis Testis*; so as for this Case, I may say *Omnia parata*; and we expect but a direction from your *Majesty*, for the acquainting the *Judges* severally; or the four *Judges* of the *Kings-Bench* as your *Majesty* shall think good.

I forget not, nor forslow not your *Majesties* Commandement touching *Recusants*; of which, when it is ripe, I will give your *Majesty* a true account, and what is possible to be done, and where the impediment is. Mr. *Secretary* bringeth *Bonum voluntatem*, but he is not versed much in these things; and sometimes urgeth the *Conclusion*, without the *premises* and by hast hindreth. It is my *Lord Treasurer* and the *Exchequer* must help it, if it be holpen. I have heard more wayes than one, of an offer of 20000 *l. per annum*, for Farming the Penalties of Recusants, not including any offence, *Capital* or of *Premunire*; wherein I will presume to say, that my poor endeavours, since I was by your great and sole grace your *Attorney*, have been no small Spurs to make them feel your *Laws*, and seek this *Redemption*; Wherein I must also say, my *Lord Cooke* hath done his part: And I do assure your *Majesty* I know it, somewhat inwardly and groundedly, that by the courses we have taken, they conform daily and in great numbers; and I would to *God*, it were as well a *Conversion* as a *Conformity*; but if it should die by dispensation, or dissimulation, then I fear, that whereas your *Majesty* hath now so many ill Subjects, poor and detected, you shall then have them rich and dissembled. And therefore I hold this offer very considerable, of so great an increase of *Revenew*; if it can pass the *fiery Trial* of *Religion* and *Honour*; which I wish all *Projects* may pass.

Thus in as much as I have made to your *Majesty*, somewhat a naked and particular account of Business, I hope your *Majesty* will use it accordingly. *God* preserve your *Majesty*.

Your *Majesties*, most humble, and devoted *Subject* and *Servant*,

A Letter *reporting the State of my* Lord Chancellors *Health.* Jan. 29. 1614.

It may pleaſe your excellent Majeſty,

BEcauſe I know your *Majeſty* would be glad to hear how it is with my *Lord Chancellor*; and that it pleaſed him out of his antient and great Love to me; which many times in ſickneſs appeareth moſt; to admit me to a great deal of Speech with him this afternoon; which during theſe three dayes he hath ſcarcely done to any; I thought it mought be pleaſing to your *Majeſty*, to certifie you how I found him. I found him in bed, but his Spirits freſh and good, ſpeaking ſtoutly, and without being ſpent or weary; and both willing and beginning of himſelf to ſpeak, but wholly of your *Majeſties* Buſineſs. Wherein I cannot forget to relate this particular; that he wiſhed that his Sentencing of *I. S.* at the day appointed, mought be his laſt work, to conclude his ſervices, and expreſs his affection towards your *Majeſty*. I told him I knew your *Majeſty* would be very deſirous of his preſence that day, ſo it mought be without prejudice; but otherwiſe your *Majeſty* eſteemed a *Servant* more than a *Service*; ſpecially ſuch a *Servant*. Not to trouble your *Majeſty*; though good Spirits in Sickneſs be uncertain Kalenders, yet I have very good comfort of him, and I hope by that day, *&c.*

A Letter *to the* King, *giving him an Account of* Peachams *Buſineſs, and ſome others,* Jan. 31. 1614.

It may pleaſe your excellent Majeſty,

I Received, this morning by Mr. *Murray* a meſſage from your *Majeſty* of ſome warrant, and confidence, that I ſhould advertiſe your *Majeſty* of your buſineſs, wherein I had part. Wherein, I am firſt, humbly, to thank your *Majeſty* for your good acceptation of my endeavours and ſervice; which I am not able to furniſh with any other quality, ſave faith, and diligence.

For *Peachams* Caſe, I have, ſince my laſt Letter, been with my Lord *Cooke* twice; once before Mr. *Secretaries* going down to your *Majeſty*; and once ſince, which was yeſterday: At the former, of which times I delivered him *Peachams papers*; and at this latter, the *Preſidents* which I had with care, gathered and ſelected: For theſe degrees and order the buſineſs required.

At the former I told him, that he knew my errand which ſtood upon two points: The one to inform him the particular Caſe of *Peachams Treaſons*; (For I never give it other word to him;) the other to receive his Opinion to my ſelf, and in ſecret, according to my Commiſſion from your *Majeſty*.

At the former time he fell upon the ſame Allegation which he had begun at the *Council Table*; that *Judges* were not to give Opinion by fractions, but entirely according to the Vote whereupon they ſhould ſettle upon conference: And that, this *Auricular* taking of Opinions, ſingle and apart,

was

was new and dangerous; and other words, more vehement than I repeat.

I replied in civil and plain Terms; that I wisht his *Lordship*, in my love to him to think better of it; For that this, that his *Lordship* was pleased to put into great words, seemed to me and my Fellows, when we spake of it amongst our selves a reasonable and familiar matter, for a *King* to consult with his *Judges*, either assembled or selected; or one by one. And then to give him a little outlet, to save his first Opinion (wherewith he is most commonly in love) I added that *Judges* sometimes, might make a sute to be spared for their Opinion, till they had spoken with their *Brethren*; but if the *King* upon his own Princely Judgment, for Reason of *Estate*, should think it fit to have it otherwise, and should so demand it there was no declining: Nay, that it touched upon a violation of their *Oath*, which was to counsel the *King* without Distinction, whether it were joyntly or severally. Thereupon I put him the Case of the *privy Council*; as if your *Majesty* should be pleased to command any of them, to deliver their Opinion apart and in private; whether it were a good answer to deny it, otherwise, than if it were propounded at the Table. To this he said, that the Cases were not alike, because this concern'd Life. To which I replyed, that Questions of *Estate*, mought concern thousand of Lives; and many things more precious than the Life of a particular; as *War* and *Peace*, and the like.

To conclude, his *Lordship*, *tanquam Exitum quærens*, desired me for the time, to leave with him the *Papers*, without pressing him to consent, to deliver a private Opinion till he had perused them. I said I would; and the more willingly, because I thought his *Lordship* upon due consideration of the *Papers* would find the Case, to be so clear a Case of *Treason*, as he would make no difficulty to deliver his Opinion in private; and so I was perswaded of the rest of the *Judges* of the *Kings-Bench*; who likewise (as I partly understood) made no scruple to deliver their Opinion in private. Whereupon he said (which I noted well) that his Brethren were wise men; and that they might make a shew, as if they would give an Opinion as was required; but the the end would be, that it would come to this; they would say, they doubted of it, and so pray advice, with the rest. But to this I answered, that I was sorry to hear him say so much, lest if it came so to pass, some that loved him no, tmight make a construction, that that which he had foretold he had wrought. Thus your *Majesty* see's, that as *Solomon* saith; *Gressus nolentis tanquam in Sepi spinarum*; it catcheth upon every thing.

The latter meeting is yet of more importance; for then, coming armed with divers presidents, I thought to set in with the best strength, I could, and said; That before I descended to the Record, I would break the *Case* to him thus. That it was true, we were to proceed upon the antient *Statute* of *King Edward the third*, because other *Temporary Statutes* were gone; and therefore it must be said in the *Indictment*; *Imaginatus est, & Compassavit, Mortem & finalem destructionem Domini Regis*: Then must the particular *Treasons* follow in this manner; viz. *Et quod, ad perimplendum nefandum propositum suum, composuit, & conscripsit, quendam detestabilem, & venenosum libellum, sive scriptum, in quo inter alia proditoria continetur*, &c. And then the principal passages of *Treason*, taken forth of the *Papers*, are to be entred, *in hæc Verba*; and with a conclusion in the end; *Ad intentionem, quod Ligeus Populus, & veri Subditi, Domini Regis, cordialem suum amorem, a Domino Rege retraherent & ipsum Dominum Regem relinquerent*,

& Guerram, & insurrectionem, contra eum, levarent, & facerent, &c. I have in this former, followed the antient stile of the *Indictments*, for brevity sake, though when we come to the Business it self, we shall enlarge it according to the use of the later times. This I represented to him (being a thing he is well acquainted with) that he might perceive the Platform of that was intended, without any mistaking or obscurity. But then I fell to the matter it self, to lock him in as much as I could, *viz.*

That there be four means or manners, whereby the death of the *King* is compassed and imagined.

The first, by some particular *Fact* or *Plot*.

The second, by *Disabling* his *Title*; as by affirming, that he is not *lawful King*; or that another ought to be *King*; or that he is an *Usurper*; or a *Bastard*; or the like.

The third, by *Subjecting* his *Title* to the *Pope*; and thereby making him of an *Absolute King*; a *Conditional King*.

The fourth, by *disabling* his *Regiment*, and making him appear to be incapable; or indign to reign.

These things I relate to your *Majesty*, in sum, as is fit; which when I opened to my *Lord*; I did insist a little more upon, with more efficacy and edge, and authority of *Law* and *Record*, than I can now express.

Then I placed *Peachams Treason* within the last Division, agreeable to divers presidents, whereof I had the *Records* ready; and concluded, that your *Majesties* Safety, and Life, and Authority, was thus by Law inscanted and quartered; and that it was in vain to fortifie on three of the sides, and so leave you open on the fourth.

It is true, he heard me in a grave fashion, more than accustomed, and took a Pen and took notes of my Divisions; and when he read the *Presidents* and *Records*, would say, this you mean, falleth within your first or your second Division. In the end, I expressly demanded his Opinion, as that whereto both he and I was enjoyned. But he desired me to leave the *Presidents* with him, that he might advise upon them. I told him, the rest of my *Fellows* would dispatch their part, and I should be behind with mine; which I perswaded my self, your *Majesty* would impute rather to his backwardness, than my negligence. He said, as soon as I should understand, that the rest were ready, he would not be long after with his Opinion.

For *I. S.* your *Majesty* knoweth the day draweth on; and my *Lord Chancellors* recovery, the season and his age promising not to be too hasty. I spake with him on *Sunday*, at what time I found him in Bed, but his Spirits strong, and not spent, or wearied; and spake wholly of your Business leading me from one matter to another. And wished, and seemed to hope, that he might attend the day for *I. S.* and it were (as he said) to be his last work, to conclude his services and express his affection towards your *Majesty*. I presumed to say to him, that I knew your *Majesty* would be exceeding desirous of his being present that day, so as that it mought be without prejudice to his continuance; but that otherwise your *Majesty* esteemed a *Servant* more than a *Service*; especially such a *Servant*. Surely, in mine opinion your *Majesty* were better put off the day, than want his presence, considering the cause of the putting off is so notorious; and then the *Capital* and the *Criminal* may come together the next *Term*.

I have not been unprofitable, in helping to discover and examine within these few dayes a late *Patent*, by Surreption obtained from your *Majes-*

ty,

ſty, of the greateſt *Foreſt* in *England*, worth 30000 *l.* under colour of a defective Title, for a matter of 400 *l.* The Perſon muſt be named, becauſe the *Patent* muſt be queſtioned. It is a great Perſon, my *Lord* of *Shrewsbury*; or rather (as I think) a greater than he, which is my *Lady* of *Shrewsbury*. But I humbly pray your *Majeſty*, to know this firſt, from my *Lord Treaſurer*; who, methinks, groweth even ſtudious in your Buſineſs. *God* preſerve your *Majeſty*.

Your *Majeſties* moſt humble and devoted,
Subject and *Servant*.

The rather in regard of Mr. Murray's *Abſence, I humbly pray your* Majeſty, *to have a little regard to this* Letter.

A Letter *to the* King *touching my* Lord Chancellors *amendment, and the putting off, of* J. S. *his* Cauſe, February 7. 1614.

It may pleaſe your excellent Majeſty,

MY *Lord Chancellor* ſent for me, to ſpeak with me, this morning about eight of the clock. I perceive he hath now, that *Signum Sanitatis*, as to feell better his former weakneſs. For it is true, I did a little miſtruſt that it was but a *Boutade* of deſire and good ſpirit, when he promiſed himſelf ſtrength for Friday, though I was won and carried with it. But now I find him well inclined, to uſe (ſhould I ſay) your *Liberty* or rather your *Interdict*, ſignified by Mr. *Secretary* from your *Majeſty*. His *Lordſhip* ſhewed me alſo your own *Letter*, whereof he had told me before, but had not ſhewed it me. What ſhall I ſay? I do much admire your goodneſs, for writing ſuch a *Letter* at ſuch a time.

He had ſent alſo to my *Lord Treaſurer*, to deſire him to come to him about that time. His *Lordſhip* came; and not to trouble your *Majeſty* with circumſtances, both their *Lordſhips* concluded, my ſelf preſent, and concurring; that it could be no prejudice to your *Majeſties* Service to put off the day for *I. S.* till the next *Term*. The rather becauſe there are ſeven, of your *Privy Councel*, which are at leaſt numerous, and part of the Court which are by infirmity like to be abſent; that is my Lord *Chancellor*, my Lord *Admiral*, my Lord of *Shrewsbury*, my Lord of *Exceter*, my Lord *Zouch*, my Lord *Stanhope*, and Mr. *Chanceller* of the *Dutchay*: wherefore they agreed, to hold a Councill to morrow in the afternoon for that purpoſe.

It is true, that I was alwayes of opinion, that it was no time loſt; and I do think ſo the rather, becauſe I could be content that the matter of *Peacham* were firſt ſetled and put to a point. For there be, perchance, that would make the example upon *I. S.* to ſtand for all. For *Peacham*, I expect ſome account from my *Fellows* this day. If it ſhould fall out otherwiſe, then I hope it may not be left ſo. Your *Majeſty*, in your laſt *Letter*, very wiſely, put in a Disjunctive that the *Judges* ſhould deliver an Opinion privately, either to my Lord *Chancellor* or to our ſelves, diſtributed: His ſickneſs, made the later way to be taken: But the other may be reſerved, with ſome accommodating, when we ſee the ſucceſs of the Former.

I am appointed, this day, to attend my Lord *Treasurer* for a Propo ſition of raiſing Profit, and Revenew, by *Infranchiſing Copy-holders.* I am right glad, to ſee the *Patrimonial* part of your Revenew well look'd into, as well as the *Fiſcal.* And I hope it will ſo be, in other parts, as well as this. *God* preſerve your *Majeſty.*

Your *Majeſties* moſt humble and devoted, *Subject* and *Servant.*

A Letter *to the* King *of account of* Owens *Cauſe, &c.* 11. February. 1614.

It may p'eaſe your excellent Majeſty,

MY ſelf, with the reſt of your *Counſel Learned*, conferred with my *Lord Cooke* and the reſt of the *Judges* of the *Kings-Bench* only, being met at my *Lords* Chamber, concerning the buſineſs of *Owen*. For although it be true that your *Majeſty* in your *Letter*, did mention, that the ſame courſe might be held in the taking of Opinions apart, in this which was preſcribed and uſed in *Peachams* Cauſe; yet both my *Lords* of the *Council* and we, amongſt our ſelves, holding it, in a Caſe ſo clear, not needful; but rather that it would import a diffidence in us, and deprive us of the means to debate it with the *Judges* (if cauſe were) more ſtrongly (which is ſomewhat) we thought beſt rather to uſe this form.

The *Judges* deſired us to leave the *Examinations* and *Papers* with them, for ſome little time, to conſider (which is a thing they uſe;) but I conceive, there will be no manner of Queſtion made of it. My *Lord Chief Juſtice* to ſhew forwardneſs (as I interpret it) ſhewed us paſſages of *Suarez* and others, thereby to prove, that though your *Majeſty* ſtood not Excommunicate by particular Sentence, yet by the General *Bulls*, of *Cœna Domini*, and others, you were upon the matter Excommunicate; and therefore that the *Treaſon* was, as *De præſenti*. But I that foreſee, that if that courſe ſhould be held, when it cometh to a publick day, to diſſeminate to the Vulgar, an Opinion that your *Majeſties* Caſe is all one, as if you were *de Facto*, particularly and expreſly *Excommunicate*, it would but encreaſe the danger of your Perſon, with thoſe that are deſperate Papiſts; and that it is needleſs; commended my *Lords* diligence, but withall put it by; and fell upon the other courſe (which is the true way;) That is, that whoſoever ſhall affirm, *in Diem*, or *ſub Conditione*, that your *Majeſty*, may be deſtroyed, is a *Traytor, de præſenti*; for that he maketh you but Tenant for Life, at the will of another. And *I* put the *Duke* of *Buckinghams* Caſe, who ſaid; That if the *King cauſed him to be arreſted of Treaſon, he would ſtab him*; and the Caſe of the *Impoſtureſs Elizabeth Barton*, that ſaid, *That if King Henry the eighth took not his wife again*, Katharine Dowager *he ſhould be no longer King*; and the like.

It may be theſe particulars are not worth the relating. But becauſe I find nothing in the World, ſo important to your ſervice, as to have you throughly informed (the ability of your direction conſidered) it maketh me thus to do; moſt humbly praying your *Majeſty* to admoniſh me, if I be over-troubleſome.

For

For *Peacham*, the reſt of my Fellowes are ready, to make their *Report* to your *Majeſty*, at ſuch time, and in ſuch manner, as your *Majeſty* ſhall require it. My ſelf yeſterday, took my Lord *Cook* aſide, after the reſt were gone, and told him all the reſt were ready, and I was now to require his *Lordſhips* opinion, according to my Commiſſion. He ſaid, I ſhould have it; And repeated that, twice or thrice, as thinking he had gone too far, in that kind of Negative (to deliver any opinion apart) before; And ſaid he would tell it me within a ſhort time, though he were not at that inſtant ready. I have tolled this Buſineſs, *in omnes partes*, whereof I will give your *Majeſty* knowledge, when time ſerveth. *God* preſerve your *Majeſty*.

Your Majeſties *moſt humble, and devoted*
Subject, *and* Servant.

A Letter *to the* King, *about a Certificate of my Lord* Cook. Febr. 14. 1614.

It may pleaſe your Excellent Majeſty,

I Send your *Majeſty* encloſed, my Lord *Cooks Anſwers*. I will not call them *Reſcripts*, much leſs Oracles. They are of his own hand, and offered to me as they are in writing, though I am glad of it for mine own diſcharge. I thought it my duty, as ſoon as I received them, inſtantly to ſend them to your *Majeſty*; and forbear for the preſent, to ſpeak further of them. I, for my part (though this *Muſcovia Weather* be a little too hard for my *Conſtitution*) was ready to have waited upon your *Majeſty* this day, all reſpects ſet aſide; But my Lord *Treaſurer*, in reſpect of the ſeaſon, and much other buſineſs, was willing to ſave me. I will only conclude, touching theſe Papers with a Text, Divided, I cannot ſay; *Oportet iſthæc fieri*; But I may ſay, *Finis autem nondum*. *God* preſerve your *Majeſty*.

Your Majeſties *moſt humble, and devoted*
Subject *and* Servant.

A Letter *to the* King, *touching matter of his* Revenue *and* Profit. April 25. 1615.

It may pleaſe your Majeſty,

I May remember what *Tacitus* ſaith, by occaſion that *Tiberius* was often, and long abſent from *Rome*; *In urbe, & parvâ, & magnâ, Negotia Imperatorem ſimul premunt*; But ſaith he, *In receſſu, dimiſſis rebus, minoris momenti, ſummæ rerum magnarum magis agitantur*. This maketh me think, it ſhall be no incivility, to trouble your Majeſty with buſineſs, during your abode from *London*; Knowing, that your Majeſties meditations, are the principal wheel of your Eſtate; and being warranted, from a former Commandement, which I received from you.

I do now only ſend your Majeſty theſe Papers encloſed; becauſe I do greatly deſire ſo far forth to preſerve my credit with you, as thus; That whereas lately (perhaps out of too much deſire, which induceth too much belief) I was bold to ſay, that I thought it as eaſie for your Majeſty,

to come out of Want, as to go forth of your Gallery; your Majesty, would not take me for a Dreamer or a Projector; I send your Majesty therefore some grounds of my hopes. And for that *Paper* which I have gathered of *Increasements sperate*, I beseech you, to give me leave to think, that if any particulars do fail, it will be rather for want of *workmanship*, in those that shall deal in them, than want of *materials*, in the things themselves. The other *Paper* hath many discarding Cards; And I send it chiefly, that your Majesty, may be the less surprized by Projectors; who pretend sometimes great discoveries, and inventions, in things that have been propounded, and perhaps after a better fashion, long since. *God* Almighty preserve your Majesty.

Your Majesties *most humble, and devoted,*
Subject, *and* Servant.

A Letter *to the* King, *reporting the* Day *of Hearing of* J. S. *his Cause, in the* Star-Chamber. 29. April. 1615.

It may please your Excellent Majesty,

I. *S.* his day is past, and well past. I hold it to be *Janus Bifrons*; It hath a good Aspect, to that which is past; and to the Future; and doth both satisfie, and prepare. All did well: My Lord *Chief Justice*, delivered the Law, for the *Benevolence*, strongly; I would he had done it timely. Mr. *Chanceller* of the *Exchequer* spake finely, somewhat after the manner of the late Lord *Privy Seal*; Not all out so sharply, but as elegantly. Sir *Thomas Lake* (who is also new in that *Court*) did very well, familiarly, and Counseller-like. My Lord of *Pembroke* (who is likewise a stranger there) did extraordinary well, and became himself well, and had an evident Applause. I meant well also; And because my *Information* was the Ground, having spoken out of a few Heads which I had gathered; (for I seldom do more) I set down, as soon as I came home, cursorily, a Frame of that I had said; Though I perswade my self, I spake it with more life. I have sent it to Mr. *Murray*, sealed; If your Majesty have so much idle time, to look upon it, it may give some light of the Dayes work: But I most humbly pray your Majesty; to pardon the Errours. *God* preserve you ever.

Your Majesties *most humble* Subject,
and devoted Servant.

A Letter *to the* King, *concerning the* New-Company. August 12. 1615.

It may please your most Excellent Majesty,

YOur Majesty, shall shortly receive *the Bill*, for the *Incorporation* of the *New Company*; together with a *Bill*, for the *Privy Seal*, being a Dependancy thereof. For this morning I subscribed, and Docketted them both. I think it therfore now time, to represent to your Majesties high wisdom,

dom, that which I conceive, and have had long in mind, concerning your *Majeſties* Service, and honourable profit in this Buſineſs.

This Project, which hath proceeded from a worthy Service of the Lord *Treaſurer*, I have from the beginning conſtantly affected; as may well appear, by my ſundry Labours from time to time, in the ſame. For I hold it a worthy Character, of your Majeſties Reign, and Times; Inſomuch, as though your Majeſty mought have, at this time (as is ſpoken) a great Annual Benefit for the quitting of it, yet I ſhall never be the man, that ſhould wiſh your Majeſty to deprive your ſelf of that *Beatitude*; *Beatius eſt dare, quàm accipere*; In this cauſe; But to ſacrifice your Profit, (though as your Majeſties State is, it be precious to you) to ſo great a Good of your *Kingdom*: Although this Project, is not without a Profit, immediate unto you, by the encreaſing of *Cuſtomes*, upon the *materials* of *Dyes*.

But here is the Caſe. The *New Company*, by this *Patent* and *Privy Seal*, are to have two things, wholly diverſe from the firſt intention; or rather, *Ex Diametro*, oppoſite unto the ſame; which nevertheleſs they muſt of neceſſity have, or elſe the *Work* is overthrown. So as I may call them, *Mala Neceſſaria* but yet withall *Temporary*. For as men make war to have Peace, ſo theſe *Merchants* muſt have licenſe for *Whites*, to the end, to baniſh *Whites*; and they muſt have licenſe to uſe *Teyntours*, to the end to baniſh *Teyntours*.

This is therefore that I ſay; your Majeſty upon theſe two points, may juſtly, and with honour, and with preſervation of your firſt Intention, inviolate, demand Profit in the interim, as long as theſe unnatural points continue, and then to ceaſe: For your Majeſty may be pleaſed to obſerve, that they are to have all the *Old Companies* Profit, by the *Trade* of *Whites*; They are again to have upon the proportion of *Cloathes*, which they ſhall vent, died, and dreſſed, the *Flemings* profit upon the *Teyntour*. Now then as I ſay; As it had been too good husbandry for a *King*, to have taken profit of them, if the Project could have been effected at once (as was voiced;) So on the other ſide, it might be, perchance too little Husbandry and Providence, to take nothing of them, for that which is meerly lucrative to them, in the mean time. Nay, I ſay further, this will greatly conduce, and be a kind of Security to the End deſired. For I alwayes feared, and do yet fear, that when men, by condition *Merchants*, though never ſo honeſt, have gotten into their hands, the *Trades* of *Whites*, and the *Diſpenſation* of *Teyntour*; wherein they ſhall reap profit for that, which they never ſowed; But have gotten themſelves Certainties, in reſpect of of the States hopes; they are like enough, to ſleep upon this, as upon a a Pillow; And to make no haſte, to go on with the reſt. And though it may be ſaid, that that is a thing, will eaſily appear to the State, yet (no doubt) means may be deviſed and found, to draw the Buſineſs in length. So that I conclude, that if your Maj. take a profit of them, in the *interim* (conſidering you refuſe profit from the *Old Company*, it will be both Spur and Bridle to them, to make them pace aright to your Majeſties End.

This in all humbleneſs, according to my vowed Care and Fidelity, being no mans man, but your Majeſties, I preſent, leave, and ſubmit, to your Majeſties better judgement; And I could wiſh your Majeſty would ſpeak with Sir *Thomas Lake* in it; who, beſides his good Habit, which he hath in buſineſs, beareth (methinks) an indifferent hand in this particular; And (if it pleaſe your Majeſty) it may proceed, as from your Self, and not as a Motion, or Obſervation of mine.

Your *Majesty*, need not in this to be streightned in time; as if this must be demanded, or treated, before you sign their *Bill*. For, I foreseeing this, and fore-seeing, that many things mought fall out, which I could not fore-see, have handled it so, as with their good Contentment, there is a *Power* of *Revocation*, inserted into their *Patent*. And so commending your *Majesty*, to *Gods* blessed and precious Custody; I rest,

Your Majesties most humble, and devoted,
Subject *and* Servant.

A Letter *to Sir* George Villiers, *touching* Ropers *place*. January 22. 1615.

SIR,

SEnding to the *King* upon occasion, I would not fail to salute you, by my Letter; which, that it may be more than two lines, I add this for Newes: That as I was sitting by my Lord *Chief Justice*, upon the *Commission*, for the Indicting of the *Great Person*; one of the *Judges* asked Him, whether *Roper* were dead? He saith, He for his part knew not; another of the *Judges* answered, it should concern you, my Lord, to know it. Whereupon he turned his Speech to me, and said; No, Mr. *Atturney*, I will not wrastle now, in my latter times. My Lord (said I) you speak like a wise man. Well (saith he) they have had no luck with it, that have had it. I said again, *Those dayes le past*. Here you have the *Dialogue*, to make you merry. But in sadness, I was glad to perceive he meant not to contest. I can but honour, and love you, and rest,

Your assured Friend, and
Servant.

A Letter *to the* King, *advising, how to break off with the New Company*. February 3. 1615.

It may please your Excellent Majesty,

I Spake yesternight, long with my Lord *Cook*; And for the *Rege Inconsulto*, I conceive by him, it will be, *An amplius deliberandum censeo*, (as I thought at first) so as for the present, your *Majesty* shall not need to renew your Commandement of stay. I spake with him also, about some Propositions, concerning your *Majesties* casual Revenue; wherein, I found him to consent with me, fully; assuming nevertheless, that he had thought of them before: But it is one thing, to have the Vapour of a Thought; another to digest Business aright. He, on his part, imparted to me, divers things of great weight, concerning the Reparation of your *Majesties* Means and Finances, which I heard gladly; Insomuch, as he perceiving the same, I think, was the readier to open himself to me, in one Circumstance, which he did much inculcate. I concurr freely with him, that they are to be held secret: For I never saw, but that Business is like a Child, which is framed invisibly in the Womb; and if it come forth too soon, it will be abortive. I know, in most of them, the Prosecution must rest; much, upon my Self. But I, that had the Power to prevail

prevail, in the *Farmers Caſe*, of the *French Wines*, without the help of my Lord *Cook*, ſhall be better able to go through theſe, with his help, the ground being no leſs juſt. And this I ſhall ever add of mine own, that I ſhall ever reſpect your *Majeſties* Honour, no leſs than your Profit; And ſhall alſo take care, according to my penſive manner, that that, which is good for the preſent, have not in it, hidden Seeds of future Inconveniences.

The Matter of the *New Company*, was referred to me, by the *Lords* of the *Privy Council*; wherein, after ſome private Speech with Sir *Lionel Cranfield*, I made that *Report*, which I held moſt agreeable to Truth, and your *Majeſties* Service. If this *New Company* break, it muſt either be put upon the *Patent*, or upon the *Order* made by themſelves. For the *Patent*, I ſatisfied the *Board*, that there was no Title in it, which was not either *Verbatim* in the *Patent* of the *Old Company*; or by ſpecial warrant from the Table, inſerted. My Lord *Cook*, with much reſpect to me, acknowledged, but diſliked the *Old Patent* it ſelf, and diſclaimed his being at the *Table*, when the Additions were allowed. But in my opinion, (howſoever my Lord *Cook*, to magnifie his Science in *Law*, draweth every thing (though ſometimes unproperly, and unſeaſonably) to that kind of Queſtion) it is not convenient to break the buſineſs, upon thoſe Points. For conſidering, they were but Clauſes, that were in the former *Patents*, and in many other *Patents* of *Companies*; And that the *Additions*, likewiſe paſſed the allowance of the *Table*, it will be but clamoured, and perhaps conceived, that to quarrel them now, is but an Occaſion taken; and that the *Times* are changed, rather than the *Matter*. But that, which preſerveth entire your *Majeſties* Honour, and the Conſtancy of your Proceedings, is to put the Breach, upon their *Orders*.

For this Light, I gave in my *Report*, which the *Table* readily apprehended, and much approved; That if the *Table* reject their *Orders*, as unlawful and unjuſt, it doth free you from their Contract: For whoſoever contracteth, or undertaketh any thing, is alwayes underſtood, to perform it by lawful means; ſo, as they have plainly abuſed the State; if that which they have undertaken, be either impoſſible or unjuſt.

I am bold to preſent this Conſideration, to that excellent Faculty of your *Majeſties* judgement; becauſe, I think, it importeth that future Good, which may grow to your *Majeſty* in the cloſe of this Buſineſs; that the falling off be without all Exception. *God* have you in his precious Cuſtody.

Your Majeſties *moſt humble, and bounden,*
Subject *and* Servant.

A Letter *to the* King, *touching the* Lord Chancellers *Sickneſs.* Febr. 9. 1615.

It may pleaſe your moſt Excellent Majeſty,

I Am glad to underſtand by Mr. *Murray*, that your *Majeſty* accepteth well of my poor Endeavours; in opening unto you the paſſages of your Service; That Buſineſs may come the leſs crude, and the more prepared, to your *Royal Judgement*; the perfection whereof, as I cannot expect, they ſhould ſatisfie, in every particular; ſo I hope, through my Aſſiduity, there will reſult a good *Total*.

My

My Lord *Chancellers* ſickneſs, falleth out, *duro Tempore.* I have alwayes known him a wiſe Man, and of juſt Elevation for *Monarchy:* But your *Majeſties* ſervice muſt not be Mortal. And if you leeſe him, as your *Majeſty* hath now of late purchaſed many hearts, by depreſſing the *wicked:* So *God*, doth miniſter unto you a counterpart, to do the like, by raiſing the *Honeſt*. *God* evermore preſerve your *Majeſty*.

Your Majeſties *moſt humble* Subject,
and bounden Servant.

A Letter *to the* King, *of my Lord* Chancellers *amendment, and the Difference begun, between the* Chancery *and* Kings-Bench. Febr. 15. 1615.

It may pleaſe your Excellent Majeſty,

I Do find (God be thanked) a ſenſible amendment in my Lord *Chanceller.* I was with him yeſterday in private conference about half an hour: And this day again, at ſuch time as he did ſeal, which he endured well, almoſt the ſpace of an hour, though the Vapour of Wax be offenſive to him. He is free from a *Feaver*, perfect in his powers of *Memory* and *Speech*: And not hollow in his *Voice* nor *Look*; He hath no panting or labouring *Reſpiration*; Neither are his *Coughs* dry, or weak. But whoſoever thinketh his Diſeaſe is but *Melancholy*; he maketh no true judgement of it: For, it is plainly a formed and deep *Cough*, with a *Pectoral ſurcharge*; So that at times, he doth almoſt, *Animam agere.* I forbear to advertiſe your *Majeſty*, of the care I took to have Commiſſions in readineſs, becauſe Mr. *Secretary Lake* hath let me underſtand, he ſignified as much to your *Majeſty*: But I hope there ſhall be no uſe for them, at this time. And as I am glad to advertiſe your *Majeſty*, of the amendment of your *Chancellers Perſon*; So I am ſorry to accompany it, with an advertiſement, of the ſickneſs of your *Chancery Court*, though (by the Grace of God) that cure will be much eaſier than the other. It is true, I did lately write to your *Majeſty*, that for the Matter of the *Habeas Corpora*, (which was the third Matter in *Law*, you had given me in charge;) I did think the Communion in Service, between my Lord *Chanceller*, and my Lord *Chief Juſtice*, in the great buſineſs of *Examination*, would ſo joyn them as they would not ſquare, at this time; But pardon me (I humbly pray your *Majeſty*) if I have too reaſonable Thoughts.

And yet, that which happened the laſt day of the Term, concerning certain *Indictments*, in the nature of *Premunire*, preferred into the *Kings Bench*, but not found; Is not ſo much as is voiced abroad; (though I muſt ſay, it is *omni tempore Nimium, & hoc tempore alienum*;) And therefore I beſeech your *Majeſty*, not to give any believing Ear, to Reports, but to receive the Truth from me, that am your *Atturney General*, and ought to ſtand indifferent, for *Juriſdiction* of all *Courts*; which Account, I cannot give your *Majeſty* now, becauſe I was then abſent; And ſome are now abſent, which are properly and authentically to inform me, touching that which paſſed. Neither let this, any wayes diſ-joint your other Buſineſs; For there is a time for all things; And this very Accident

dent, may be turned to Good. Not that I am of Opinion that that ſame cunning Maxim, of *Separa, & Impera*, which ſometimes holdeth in *Perſons*, can well take place in *Juriſdictions*; But becauſe, ſome good Occaſion, by this Exceſs, may be taken to ſettle that, which would have been more dangerous, if it had gone out by little and little. *God* ever preſerve your Majeſty.

Your Majeſties *moſt humble* Subject, *and bounden* Servant.

A Letter *to Sir* George Villiers, *touching the* Difference, *between the* Court *of* Chancery, *and the* Kings Bench. Febr. 19. 1615.

SIR,

I Received this Morning from you, two *Letters*, by the ſame Bearer; The one written before, the other after his *Majeſty* had received my laſt.

In this *Difference*, between the two Courts of *Chancery*, and *Kings Bench*; (For ſo I had rather take it, for this time, than between the Perſons, of my Lord *Chancellor*, and my Lord *Chief Juſtice*) I marvail not, it Rumour get way of true Relation. For I know *Fame*, hath *ſwift wings*; ſpecially that, which hath *black feathers*: But within theſe two dayes (for ſooner I cannot be ready) I will write unto his *Majeſty*, both the Narrative truly, and my Opinion ſincerely; Taking much comfort, that I ſerve ſuch a *King*, as hath *Gods* Property, in diſcerning truly, of mens hearts. I purpoſe, to ſpeak with my Lord *Chancellor*, this day; And ſo to exhibite that *Cordial*, of his *Majeſties Grace*; As I hope, that other Accident, will rather rouze and raiſe his ſpirit, than deject him, or encline him to relapſe. Mean while, I commend the Wit of a mean man, that ſaid this other day; *Well, the next Term, you ſhall have an old man, come with a Beeſom of Wormwood in his hand, that will ſweep away all this.* For it is my Lord *Chancellers* faſhion, ſpecially towards the Summer, to carry a Poſie of Wormwood. I write this Letter in haſte, to return your Meſſenger with it. *God* keep you, and long, and happily, may you ſerve his *Majeſty*.

Your true and affectionate Servant.

Sir, *I thank you for your inward* Letter, *I have burned it, as you commanded. But the Fire it hath kindled in me, will never be extinguiſhed.*

A Letter *to Sir* George Villiers, *touching a Motion, to ſwear him Counſeller.* Febr. 21. 1615.

SIR,

MY Lord *Chancellers* Health growing with the days, and his reſignation being an uncertainty, I would be glad you went on with my firſt Motion,

Motion, my ſwearing *Privy Counſeller*. This I deſire, not ſo much to make my ſelf more ſure of the other, and to put it paſt competition; (for herein, I reſt wholly upon the *King*, and your excellent ſelf) But, becauſe I find hourly, that I need this ſtrength, in his Maj. ſties ſervice; both for my better warrant, and ſatisfaction of my Conſcience, that I deal not in things above my Vocation; And for my better Countenance and Prevailing, where his Majeſties ſervice, is under any pretext oppoſed, I would it were diſpatched. I remember a greater matter than this, was diſpatched, by a Letter from *Royſton*; which was, the Placing of the *Arch-Biſhop* that now is: And I imagine, the King did on purpoſe, that the Act mought appear to be his own.

My Lord *Chanceller* told me yeſterday, in plain terms, that if the *King* would ask his opinion touching the Perſon, that he would commend to ſucceed him, upon Death or Diſability, he would name me, for the fitteſt man. You may adviſe, whether uſe may not be made of this offer.

I ſent a pretty while ſince, a *Paper* to Mr. *John Murrey*; which was indeed, a little remembrance of ſome things paſt; concerning my honeſt, and faithful Services to his Majeſty; Not by way of boaſting (from which I am far) but as tokens, of my ſtudying his Service, uprightly and carefully. If you be pleaſed, to call for the Paper, which is with Mr. *John Murrey*; And to find a fit time, that his Majeſty may caſt an eye upon it, I think it will do no hurt: And I have written to Mr. *Murrey*, to deliver the *Paper*, if you call for it. *God* keep you in all Happineſs.

Your trueſt Servant.

A Letter *to the* King, *concerning the* Premunire, *in the* Kings Bench, *againſt the* Chancery. Febr. 21. 1615.

It may pleaſe your moſt Excellent Majeſty,

I Was yeſterday in the Afternoon, with my Lord *Chancellor*, according to your Commandement, which I received by the *Maſter of the Horſe*; And find the *Old man* well comforted, both towards God and towards the World, and that ſame middle Comfort, which is Divine, and Humane, proceeding from your *Majeſty*, being *Gods Lieutenant* on Earth, I am perſwded hath been a great Cauſe, that ſuch a Sickneſs hath been portable to ſuch an Age. I did not fail in my Conjecture, that this *Buſineſs* of the *Chancery*, hath ſtirred him; he ſheweth to deſpiſe it, but he is full of it; and almoſt, like a young *Duelliſt*, that findeth himſelf behind hand.

I will now, as your *Majeſty* requireth, give you a true Relation of that which hath paſſed; Neither will I decline your *Royal* Commandement, for delivering my Opinion alſo, though it be a tender ſubject to write on; But I, that acount my Being, but as an accident to my ſervice, will neglect no duty upon Self-ſafety.

Firſt, it is neceſſary I let your *Majeſty* know, the *Ground* of the *Difference* between the two *Courts*; that your *Majeſty* may the better underſtand the *Narrative*.

There

There was a *Statute* made, 27 *Edw.* 3. Cap. 1. which (no doubt) in the principal intention thereof was ordained, againſt thoſe, that ſued to *Rome*; wherein there are Words ſomewhat general again, any that *queſtioneth or impeacheth any Judgement, given in the King Courts, or in any other Court* Upon theſe doubtful words (*other Courts*,) that controverſie groweth. For the ſounder interpretation taketh them to be meant of thoſe *Courts* which, though locally, they were not held at *Rome*, or where the *Popes* Chair was, but here within the *Realm*; yet in their *Juriſdiction* hath their dependance upon the Court of *Rome*; as were the *Courts* of the *Legate here*, and the *Courts* of the *Arch-Biſhops* and *Biſhops*, which were then but ſubordinate Judgement Seats to that high *Tribunal* of *Rome*. And for this conſtruction, the oppoſition of the words (if they be well obſerved) between the *Kings-Courts* and *other Courts*, maketh very much: For it importeth, as if thoſe other *Courts* were not the *Kings Courts*. Alſo, the main ſcope of the *Statute* fortifieth the ſame: And laſtly, the Practice of many Ages The other *Interpretation* (which cleaveth to the *Letter*) expoundeth *the Kings Courts* to be *the Courts of Law* only, and *other Courts* to be *Courts of Equity*, as the *Chancery*, *Exchequer-chamber*, *Dutchy* &c. Though this alſo flyeth indeed from the *Letter*, for that all theſe are the *Kings Courts*,

There is alſo another *Statute*, which is but a ſimple *Prohibition*, and not with a *Penalty* of a *Premunire* (as the other is;) *That after Judgments given in the* Kings Courts, *the parties ſhall be in Peace, except the Judgment be undone by Error or Attaint*, which is a *legal form* of *Reverſal*. And of this alſo, I hold, the ſounder *interpretation* to be, to ſettle *Poſſeſſions* againſt *diſturbances*, and not to take away *Remedy* in *Equity*, where thoſe *Judgments* are obtained, *ex Rigore Juris*, and againſt good Conſcience.

But upon theſe two *Statutes* there hath been a late conceit in ſome, that if a Judgement paſs at the Common-Law againſt any, that he may not after ſue for Relief in *Chancery*: And if he doth, both *He*, and his *Counſel*, and his *Sollicitors*, yea, and the *Judge* in *Equity* himſelf, are within the danger of thoſe *Statutes*.

Here your *Majeſty* hath the true ſtate of the *Queſtion*, which *I* was neceſſarily to open to you firſt. Becauſe your *Majeſty* calleth for this *Relation*; not as *New*, but as *Buſineſs*. Now to the *Hiſtorical part*.

It is the courſe of the *Kings-Bench*, that they give in Charge to a *Grand Jury* offences of all Natures, to be preſented within *Middleſex* where the ſaid *Court* is; and the manner is, to enumerate them as it were in *Articles*. This was done by *Juſtice Crook* the Wedneſday before the *Term* ended. And that Article (*If any Man after a Judgement given, had drawn the ſaid Judgment to a new Examination, in any other Court*) was by him ſpecially given in charge; which had not uſed to be given in charge before. It is true it was not ſolemnly dwelt upon, but as it were thrown in amongſt the reſt.

The laſt day of the *Term*; (and that which all men condemn the ſuppoſed laſt day of my *Lord Chancellors* life;) there were two Indictments preferred of *Præmunire* for ſuing in *Chancery*, after *Judgment* in *Common-Law*; the one by *Rich. Glanvile*, the other by *William Allen*: The former againſt *Courtney* the party in *Chancery*. *Gibb* the Counſellor, and *Duerſt* the Clark; the latter, againſt *Alderman Bowles* and *Humfry Smith*, parties in *Chancery*; Serjeant *More* the Counſellor, *Elias Wood* Sollicitor in the Cauſe, and Sir *John Tindall* Mr. of the *Chancery*, and an Aſſeſſor to my *Lord Chancellor*.

For the *Caſes* themſelves, it where too long to trouble your *Maieſty* with them; but this I will ſay; if they were ſet on, that perferred them, they were the worſt Marks-men that ever were, that ſet them on. For there could not have been choſen two ſuch cauſes, to the honour and advantage of the *Chancery*, for the Juſtneſs of the *Decrees*, and the Foulneſs and Scandal, both of Fact and perſon, in thoſe that impeach the *Decrees*,

The *Grand Jury* conſiſting (as it ſeemeth) of very ſubſtantial and intelligent perſons, would not finde the *Bills*; notwithſtanding, they were clamoured by the parties, and twice ſent back by the *Court*; and in concluſion, reſolutely; ſeventeen of nineteen found an *Ignoramus*: wherein for that time, I think *Ignoramus*, was wiſer than thoſe that know too much.

Your *Majeſty* will pardon me, if I be ſparing, in delivering to you ſome other circumſtances of *Aggravation*, and of concurrences of ſome like matters the ſame day; as if it had been ſome *Fatal conſtellation*. They be not things ſo ſufficiently tryed, as I dare put them into your Ear.

For my Opinion, I cannot but begin with this *Preface*; that *I* am infinitely ſorry, that your *Majeſty* is thus put to ſalve and cure, not only accidents of *Time*, but errours of *Servants*: For I account this, a kind of *Sickneſs* of my Lord *Cookes*, that comes almoſt in as ill a time as the *Sickneſs* of my Lord *Chancellor*. And as (I think) it was one of the wiſeſt parts that ever he played, when he went down to your *Majeſty* to *Roiſton*, and deſired to have my Lord *Chancellor* joyned with him, ſo this was one of the weakeſt parts, that ever he played, to make all the World perceive, that my Lord *Chancellor* is ſevered from him at this time.

But for that which may concern your Service, which is my end (leaving other men to their own wayes;) firſt, my Opinion is plainly, that my Lord *Cooke* at this time, is not to be diſgraced; both becauſe, he is ſo well habituate for that which remaineth of theſe *Capital Cauſes*; and alſo, for that which I find, is in his Breaſt, touching your finances and matters of repair of your *Eſtate*. And (if *I* mought ſpeak it) as I think, it were good his hopes were at an end in ſome kind, ſo I could wiſh they were raiſed in ſome other.

On the other ſide, this great and publick affront, not only to the reverend and well deſerving perſon of your *Chancellor*; (and, at a time when he was thought to lye on dying, which was barbarous;) but to your *High Court* of *Chancery*, which is the *Court* of your abſolute power; may not (in my opinion) paſs lightly, nor end only in ſome formal attonement; but Uſe is to be made thereof, for the ſetling of your *Authority*, and ſtrengthning of your *Prerogative*, according to the true Rules of *Monarchy*.

Now to reconcile, and accommodate theſe two Advices, which ſeem almoſt oppoſite. Firſt, your *Majeſty* may not ſee it (though I confeſs it be ſuſpicious) that my Lord *Cooke* was any way aforehand privy to that which was done; or that he did ſet it, or animate it; but only took the matter as it came before him; and that his error was only, that at ſuch a time he did not divert it in ſome good manner.

Secondly, if it be true (as is reported) that any of the *Puiſne Judges* did ſtir this Buſineſs; or that they openly revile and menace the *Jury* for doing their Conſcience; (As they did honeſtly and truly) I think that *Judge* is worthy to loſe his place. And to be plain with your *Majeſty*, I do not think there is any Thing a greater *polychreſton*, or *ad multa utile*, to your

your Affairs, than upon a juſt and fit occaſion, to make ſome example a-gainſt the Preſumption of a *Judge* in Cauſes, that concern your *Majeſty*: whereby the whole body of thoſe *Magiſtrates* may be contained the better in awe; and it may be this will light upon no unfit Subject of a perſon that is rude, and that no man cares for.

Thirdly, If there be no one ſo much in fault (which I cannot yet affirm either way, and there muſt be a juſt *Ground*, *God* forbid elſe;) yet I ſhould think, that the very preſumption of going ſo far in ſo high a Cauſe, deſerveth to have that done, which was done in this very caſe, upon the Indictment of *Sergeant Heale* in *Queen Elizabeths* time, that the Judges ſhould anſwer it upon their knees, before your *Majeſty* or your *Council*, and receive a ſharp admonition: At which time alſo my Lord *Wray* being then *Chief Juſtice*, ſlipt the Collar and was forborn.

Fourthly, For the perſons themſelves *Glanvile* and *Allen*, which are baſe Fellowes and turbulent, I think there will be diſcovered and proved againſt them (beſides the preferring of the *Bills*) ſuch Combinations and Contemptuous Speeches, and Behaviours; as there will be good ground to call them and perhaps ſome of their petty *Counſellors* at *Law*, into the *Star-Chamber*.

In all this which, I have ſaid, your *Majeſty* may be pleaſed to obſerve, that I do not engage you much in the main point of the *Juriſdiction*; for which I have a great deal of reaſon, which I now forbear. But two things *I* wiſh to be done. The one that your *Majeſty* take this occaſion, to redouble unto all your *Judges* your antient and true *Charge*, & *Rule*, That you will endure no innovating the Point of *Juriſdiction*; but will have every *Court* empaled within their own Preſidents; and not aſſume to themſelves new powers upon Conceits and inventions of *Law*: The other, that in theſe *high Cauſes*, that touch upon *State* and *Monarchy* your *Majeſty* give them ſtraight Charge, that upon any Occaſions intervenient hereafter, they do not make the Vulgar party to their Conteſtations, by publick handling them, before they have conſulted with your *Majeſty*, to whom the Reiglement of thoſe things only appertaineth.

To conclude, I am not without hope, that your *Majeſty* managing this Buſineſs according to your great Widſom; (unto which I acknowledge my Self not to be worthy to be Card-holder, or a Candle-holder;) will make profit of this *Accident*, as a thing of *Gods* ſending.

Laſtly, I may not forget, to repreſent to your *Majeſty*, that there is no Thinking of *Arraignments*, until theſe Things be ſomwhat accommodate; and ſome outward and ſuperficial reconciliation at leaſt, made between my Lord *Chancellor* and my Lord *Chief Juſtice*. For this Accident is a Banquet to all the Delinquents Friends. But this is a Thing, that falleth out, naturally, of it ſelf; in reſpect of the *Judges*, going *Circuit*, and my Lord *Chancellors* infirmity with hope of recovery. And although this protraction of time, may breed ſome doubt of mutability, yet I have lately learned out of an excellent *Letter* of a certain King; *That the Sun ſheweth ſometimes watry to our Eyes, but when the Cloud is gone, the Sun is as before.* *God* ever preſerve your *Majeſty*.

Your *Majeſties* moſt humble *Subject* and bounden *Servant*.

A Letter *to the* King *of* Advice, *upon the Breach of the* New Company, Febr. 25. 1615.

It may pleaſe your moſt excellent Majeſty,

YOur Privy Council, have wiſely and truly diſcerned of the *Orders* and *Demands* of the *New Company*, that they are unlawful and unjuſt and themſelves have now acknowledged the Work impoſſible without them by their *Petition* in writing, now regiſtred in the *Council-Book*: So as this concluſion (of their own making) is become peremptory and final to themſelves; and the impoſſibility confeſſed the Practice and Abuſe, reſerved to the Judgement the *State* ſhall make of it.

This Breach then of this great Contract is wholly on their part; which could not have been, if your *Majeſty* had broken upon the *Patent*: For the *Patent* was your *Majeſties* Act; the *Orders* are their Act; and in the former Caſe, they had not been liable to further Queſtion, now they are.

There reſt two things to be conſidered: The one, if they (like *Proteus*, when he is hard held) ſhall yet again vary their ſhape; and ſhall quit their *Orders* convinced of injuſtice, and lay their Impoſition only upon the *Trade* of *Whites*, whether your *Majeſty* ſhall further expect? The other, if your *Majeſty* diſſolve them upon this Breach on their part, what is further to be done for the ſetting of the Trade again in joint, and for your own Honour and profit? In both which points, I will not preſume to give Opinion, but only to break the Buſineſs for your *Majeſties* better Judgement.

For the firſt, I am ſorry the Occaſion was given (by my Lord *Cookes* Speech at this time of the Commitment of ſome of them;) that they ſhould ſeek, *Omnem movere lapidem*, to help themſelves. Better it had been, if (as my Lord *Fenton* ſaid to me that morning very judiciouſly, and with a great deal of foreſight;) that for that time, they ſhould have had a Bridge made for them to be gone. But my Lord *Cooke* floweth according to his own Tides, and not according to the Tides of Buſineſs. The thing which my Lord *Cook* ſaid, was good and too little, but at this time it was too much. But that is paſt. Howſoever, if they ſhould go back, and ſeek again to entertain your *Majeſty* with new *Orders* or *Offers* (as is ſaid to be intended) your *Majeſty* hath ready two Anſwers of *Repulſe*, if it pleaſe your *Majeſty* to uſe them.

The one, that this is now the fourth time, that they have mainly broken with your *Majeſty* and contradicted themſelves. Firſt, they undertook to die and dreſs all the *Cloaths* of the *Realm*; ſoon after they wound themſelves into the Trade of *Whites*; and came down to the proportion contracted. Secondly, they ought to have performed that Contract according to their Subſcription, *pro ratâ*, without any of theſe *Orders* and *Impoſitions*: Soon after they deſerted their Subſcription, and had recourſe to theſe Devices of *Orders*. Thirdly, if by *Order* and not by *Subſcription*, yet their *Orders* ſhould have laid it upon the *Whites*, which is an unlawful and prohibited Trade. Nevertheleſs, they would have brought in lawful and ſetled *Trades*, full *Manufactures*, *Merchandize* of all Natures, *Poll-Money* or *Brotherhood-Money* and I cannot tell what. And now laſtly, it ſeemeth they would go back to lay it upon the *Whites*: And there

fore

fore, whether your your *Majesty* will any more rest and build this great Wheel of your *Kingdom*, upon these broken and brittle Pins, and try Experiments further upon the Health and Body of you *State*, I leave to your *Princely Judgement*.

The other *Answer* of *Repulse*, is a kind of apposing them, what they will do after the three years contracted for? Which is a point hitherto not much stirred, though Sir *Lionell Cranfield* hath ever beaten upon it, in his Speech with me: For after the three years they are not tyed, otherwayes than as Trade shall give Encouragement; of which Encouragement your *Majesty* hath a bitter Taste. And if they should hold on according to the third years Proportion, and not rise on by further gradation, your *Majesty* hath not your End. No, I fear, and having long feared, that this feeding of the Foreiner, may be dangerous: For as we may think to hold up our Cloathing by vent of *Whites*, till we can dye and dress; so they (I mean the *Dutch*) will think to hold up their Manufacture of Dying and Dressing upon our *Whites*, till they can cloath: So as your *Majesty* hath the greatest reason in the World, to make the *New Company* to come in and strengthen that part of their Contract; and they refusing (as it is confidently believed they will) to make their Default more visible to all Men.

For the second main part of your *Majesties* consultation; That is what shall be done supposing an absolute breach; I have had some Speech with Mr. *Secretary Lake*, and likewise with Sir *Lionel Cranfield*; and (as I conceive) there may be three wayes taken into consideration. The first is, that the old Company be restored, (who no doubt) are in Appetite, and (as I find by Sir *Lionel Cranfield*) not unprepared; and that the *Licences*; the one, that of 30000 *Cloaths*, which was the old *Licence*; The other, that of my Lord of *Cumberlands*, which is without stint (my Lord of *Cumberland* receiving satisfaction;) be compounded into one entire *Licence* without stint; and then, that they amongst themselves take order for that profit, which hath been offered to your *Majesty*. This is a plain and known way, wherein your *Majesty* is not an Actor; only it hath this, that the Work of Dying and Dressing *Cloaths*, which hath been so much glorified, seemeth to be wholly relinquished, if you leave there. The second is, that there be a free *Trade* of *Cloath* with this difference; that the died and dressed pay no *Custome* and the Whites *double Custome*, it a Merchandize prohibited and only licentiate. This continueth in life and fame, the *Work* desired, and will have popular Applause. But I do confess, I did ever think, that Trading in *Companies* is most agreeable to the *English* Nature, which wanteth that same general Vein of a *Republick*, which runneth in the *Dutch*; and serveth to them instead of a Company. And therefore, I dare not advise to adventure this great Trade of the *Kingdom* (which hath been so long under Government) in a free or loose Trade. The third is, a compounded Way of both which is; to go on with the *Trade* of *Whites* by the *Old Company restored*; and that your *Majesties* profit be raised by Order amongst Themselves; rather than by *double Custom* wherein you must be the Actor: And that, nevertheless there be added a Priviledge to the same *Company* to carry out *Cloathes* died and dressed *Custom-free*; which will still continue as a glorious Beam of your *Majesties* Royal Design. I hope and wish at least that this, which I have written, may be of some use to your *Majesty* to settle by the advice of the *Lords* about you this great Business. At the least it is the effect of my care

care and poor ability, which if in me be any, it is given me to no other end, but faithfully to ſerve your *Majeſty*. *God* ever preſerve you.

Your *Majeſties* moſt humble *Subject*,
and bounden *Servant*.

Another Letter, *to Sir* George Villiers, *touching a motion, to ſwear him* Counſellor. February 27. 1615.

Sir,

I Humbly pray you not to think me over-haſty or much in appetite, if I put you in remembrance of my motion of ſtrengthning me with the Oath and Truſt of a *Privy-Counſellor*; not for mine own ſtrength (for as to that, I thank *God*, I am armed within) but for the ſtrength of my Service. The times, I ſubmit to you, who knoweth them beſt. But ſure I am, there were never Times, which did more require a *Kings Atturney* to be well armed, and (as *I* ſaid once to you) to wear a Gauntlet, and not a Glove. The *Arraignments* when they proceed; the *Contention* between the *Chancery* and *Kings-Bench*; the great cauſe of the *Rege inconſulto*, which is ſo precious to the *Kings Prerogative*; divers other Services that concern the *Kings Revenew*, and the *Repair* of his *Eſtate*. Beſides, it pleaſeth his *Majeſty* to accept well of my Relations, touching his Buſineſs; which may ſeem a kind of *interloping* (as the *Merchants* call it) for one that is no *Counſellor*. But I leave all unto you, thinking my ſelf infinitely bounden unto you for your great favours; the Beams whereof, I ſee plainly, reflect upon me even from others: So that now I have no greater Ambition than this; that as the *King* ſheweth Himſelf to you the beſt *Maſter*, ſo I mought be found your beſt *Servant*. In which Wiſh and Vow, I ſhall ever reſt.

Moſt devoted and affectionate, to
obey your Commands.

A Letter *to the* King, *upon ſome inclination of his* Majeſty *to him, for the* Chancellors *Place*, April 1616.

It may pleaſe your moſt excellent Majeſty,

THe laſt day, when it pleaſed your *Majeſty* to expreſs your ſelf towards me, far above that I can deſerve or could expect, I was ſurprized by the *Princes* coming in: I moſt humbly pray your *Majeſty* to accept theſe few Lines of acknowledgement. I never had great thought for my ſelf, further than to maintain thoſe great thoughts, which, I confeſs, I have for your Service. I know what honour is; and I know what the times are. But I thank *God*, with me, my Service is the principal; and it is far from me under honourable pretences to cover baſe deſires; which I account then to be, when men refer too much to themſelves, eſpecially ſerving

ving such a *King*. I am afraid of nothing, but that the Master of the Horse, your excellent Servant, and I, shall fall out who shall hold your Stirrop best. But were you mounted and seated, without difficulties and distastes in your Business, as I desire and hope to see you; *I* should, *ex animo*, desire to spend the decline of my years, in my Studies. Wherein also, I should not forget to do him honour, who besides his active and politique Virtues, is the best *Pen* of *Kings*; much more the best Subject of a *Pen*. *God* ever preserve your *Majesty*.

Your *Majesties* most humble *Subject*,
and more, and more, obliged
Servant,

A Letter *to Sir* George Villiers, *touching his swearing* Counsellor, May 30. 1616.

Sir,

THe time is, as I should think, now or never, for his *Majesty* to finish his good meaning towards me; if it please him to consider what is past, and what is to come.

If I would tender my profit, and oblige men unto me by my Place and practice, *I* could have more profit than *I* could devise; and could oblige all the World and offend none; which is a brave condition for a mans private. But my heart is not on these things. Yet, on the other side, *I* would be sorry that worthless Persons should make a Note, that I get nothing but pains and enemies; and a little popular reputation, which followeth me whether I will or no. If any thing be to be done for your self, *I* should take infinite contentment, that my honour might wait upon yours: But I would be loath it should wait upon any mans else. If you would put your strength to this Business, it is done; and that done, many things more will begin. *God* keep you ever; I rest,

Your true and devoted *Servant*.

A Letter *to Sir* George Villiers, *upon the choice, his* Majesty *gave him, whether he would be sworn* Counsellor, *or have assurance to succeed the* Chancellor, June 3. 1616.

Sir,

THe *King* giveth me a noble choice; and you are the man, my heart ever told me you were. Ambition would draw me to the later part of the choice; but in respect of my hearty wishes, that my *Lord Chancellor* may live long; and the small hopes I have, that I shall live long my self;

ſelf; and above all, becauſe I ſee his *Majeſties* Service daily and inſtantly bleedeth; towards which I perſwade my ſelf (vainly perhaps, but yet in mine own thoughts firmly and conſtantly) that I ſhall give, when I am of the *Table*, ſome effectual furtherance (as a poor *Thred* of the *Labyrinth*, which hath no other Virtue but an united continuance without interruption or diſtraction;) I do accept of the former, to be *Counſellor*, for the preſent, and to give over *pleading* at *Bar*; let the other matter reſt upon my *Proof* & his *Majeſties* pleaſure, and the *Accidents* of *Time*. For to ſpeak plainly, I would be loath that my *Lord Chancellor*, to whom I owe moſt, after the King and your *Self*, ſhould be locked to his *Succeſſor*, for any advancement or gracing of me. So I ever remain.

Your true, and moſt devoted,
and obliged, Servant

To his very Honourable *good Friend, Sir* George Villers, Maſter *of the* Horſe *to his* Majeſty, *and of the moſt Noble* Order *of the* Garter, June 12. 1616.

Sir,

I Send his *Majeſty* a draught of the *Act of Counſel*, concerning the *Judges Letter*; penned as near as I could to his *Majeſties* inſtructions received in your preſence. I then told his *Majeſty* my memory was not able to keep way with his; and therefore his *Majeſty* will pardon me for any omiſſions or errors; and be pleaſed to ſupply and reform the ſame. I am preparing ſome other materials for his *Majeſties* excellent Hand, concerning Buſineſs that is coming on. For ſince his *Majeſty* hath renewed my Heart within me, methinks, I ſhould double my endeavours *God* ever preſerve and proſper you; I reſt.

Your moſt devoted and bounden
Servant.

A Letter *to Sir* George Villiers, *for the reſtoring of* Doctor Burgis *to preach*, June 12. 1616.

Sir,

I Do think you may do your ſelf honour, and (that which is more) do a good Work, if you will aſſiſt and perfect a motion begun (and that upon a good ground, both of ſubmiſſion and conformity) for the reſtoring of Doctor *Burgis* to Preach; and I wiſh, likewiſe, that if *Graies-Inn* ſhould think good (after he is free from the *State*) to chuſe him for their *Preacher*, his *Majeſty* ſhould not be againſt it; for certainly we ſhould watch him well if he ſhould fly forth; ſo as he cannot be placed in a more ſafe *Auditory*. This may ſeem a trifle, but I do aſſure you, I do ſcarce know a particular, wherein you may open more honeſt mouths,

to

to ſpeak Honour of you, than this. And I do extremely deſire, there may be a full Cry from all ſorts of people (eſpecially the beſt) to ſpeak, and to trumpet out your Commendations. I pray you take it to heart, and do ſomewhat in it. I reſt.

Your devoted and Bounden
Servant.

A Letter *to Sir* George Villiers, *of Advice, concerning* Ireland; *From* Gorhambury *to* Windſor. *July* 5. 1616.

SIR,

BEcauſe I am uncertain. whether his *Majeſty* will put to a point, ſome Reſolutions touching *Ireland*, now at *Windſor*; I thought it my duty, to attend his *Majeſty* by my Letter, and thereby to ſupply my abſence. For the renewing of ſome former *Commiſſions* for *Ireland*, and the Framing of a *New Commiſſion*, for the *Wards*, and the *Alienation*, (which appertain properly to me, as his *Majeſties Atturney*, and have been accordingly referred by the *Lords*;) I will undertake, that they are prepared with a greater care, and better applications, to his *Majeſties* ſervice in that Kingdom, than heretofore they have been. And therefore of that I ſay no more. And for the *Inſtructions* of the new *Deputy*, they have been ſet down by the two *Secretaries*, and read to the *Board*; And being things of an ordinary nature, I do not ſee but they may paſs. But there have been three *Propoſitions* and *Counſels* which have been ſtirred, which ſeem to me, of great importance; wherein I think my ſelf bound, to deliver to his *Majeſty* my *Advice* and *Opinion*, if they ſhould now come in *Queſtion*.

The firſt is, touching the *Recuſant Magiſtrates*, of the *Towns* of *Ireland*, and the *Commonalties* themſelves, their Electours, what ſhall be done? Which Conſultation ariſeth, from the late Advertiſements of the two *Lords Juſtices*, upon the inſtance of the two Towns, *Limrick* and *Kilkenny*; In which Advertiſements, they repreſent the Danger only, without giving Light for the Remedy; Rather warily for themſelves, than agreeable to their duties and places.

In this point, I humbly pray his Majeſtie to remember, that the refuſal is not, of the *Oath of Allegiance*, (which is not enacted in *Ireland*) but of the *Oath of Supremacy*, which cutteth deep into matter of Conſcience. Alſo, that his Majeſtie, will out of the depth of his excellent Wiſdom and Providence, think, and as it were calculate with himſelf; Whether Time, will make more for the Cauſe of Religion, in *Ireland*, and be ſtill more and more propitious; Or whether deferring remedies, will not make the Caſe more difficult. For if Time give his Majeſtie advantage, what needeth precipitation to extreme Remedies? But if Time will make the caſe more deſperate, then his Majeſtie cannot begin too ſoon. Now in my Opinion, Time will open and facilitate things, for *Reformation* of *Religion* there; And not ſhut up, or lock out the ſame. For firſt, the *Plantations* going on, and being principally of *Proteſtants*, cannot but mate the other partie in time: Alſo his Majeſties care, in placing good *Biſhops*, and good *Divines*; In amplifying the *Colledge* there; And in looking

to the Education of *Wards*, and ſuch like; As they are the moſt Natural means, ſo are they like to be the moſt effectual and happie, for the weeding out of *Popery*, without uſing the *Temporal Sword*; So that, I think, I may truly conclude, that the ripeneſs of Time is not yet come.

Therefore my Advice is, in all Humbleneſs, that this hazardous courſe of Proceeding, to tender the oath to the *Magiſtrates of Towns*, proceed not but die by degrees: And yet, to preſerve the Authority and Reputation of the former *Council*, I would have ſomewhat done; which is, that there be a proceeding, to *Seizure* of *Liberties*; But not, by any Act of Power, but by *Quo Warranto*, or *Scire facias*, which is a *Legal Courſe*; and will be the work of three or four *Termes*; By which time the matter will ſomewhat cool.

But I would not (in any caſe) that the Proceedings ſhould be with both *Towns* which ſtand now in contempt, but with one of them only: chooſing that which ſhall be thought moſt fit. For if his Majeſtie proceed with both, then all the *Towns* that are in the like caſe, will think it a common Cauſe; And that it is but their Caſe to day, and their own to morrow. But if his Majeſtie proceed but with one, the Apprehenſion and Terrour, will not be ſo ſtrong; For they will think, it may be their caſe to be ſpared, as well as proſecuted; And this is the beſt advice, that I can give to his Majeſtie, in this ſtreight; And of this Opinion, ſeemed my Lord *Chanceller* to be.

The Second *Propoſition* is this: It may be, his *Majeſty* will be moved to reduce the number of his *Council* of *Ireland*, which is now almoſt Fifty, to Twenty, or the like number; In reſpect, that the Greatneſs of the Number, doth both abaſe the *Authority* of the *Council*, and divulge the Buſineſs. Nevertheleſs, I hold this *Propoſition* to be rather ſpecious and ſolemn, than needful, at this time; For certainly, it will fill the *State*, full of Diſcontentment; which in a growing and unſetled Eſtate, ought not to be.

This I could wiſh, that his *Majeſty* would appoint a ſelect *Number* of *Counſellers* there, which might deal in the *Improvement* of his *Revenue*; (being a thing not fit to paſs through too many hands) and the ſaid ſelected *Number*, ſhould have dayes of ſitting by themſelves. At which, the reſt of the *Council* ſhould not be preſent. Which being once ſetled, then other principal buſineſs of *State*, may be handled at thoſe Sittings, and ſo the reſt begin to be diſuſed, and yet retain their countenance, without murmur or diſgrace.

The third *Propoſition* as it is moved, ſeemeth to be pretty, if it can keep promiſe: For it is thus. That a Means may be found to reenforce his *Majeſties Army*, by five hundred, or a thouſand men; And that, without any Penny encreaſe of Charge. And the Means ſhould ſhould be, that there ſhould be a Commandement of a Local Removing and transferring ſome *Companies*, from one *Province* to another: whereupon it is ſuppoſed, that many that are planted in Houſe and Lands, will rather leeſe their Entertainment, than remove; And thereby, new Men may have their Pay, and yet the old be mingled in the *Country*, for the ſtrength thereof.

In this *Propoſition*, two things may be feared: The one, *Diſcontent* of thoſe that ſhall be put off: The other, that the Companies ſhall be ſtuffed with *Novices*, and *Tyrones*, inſtead of *Veterani*. I wiſh therefore, that this *Propoſition* be well debated, ere it be admitted. Thus having

having performed that, which duty binds me to; I commend you to Gods most preservation.

Your most devoted, and bounden
Servant.

A Letter *from the* Kings Atturney General, *to the* Master *of the* Horse, *upon the sending of his* Bill *for* Viscount. August 5. 1616.

SIR,

I Send you the *Bill* for his *Majesties Signature*, reformed according to his *Majesties* Amendments, both in the two places (which I assure you were both altered, with great Judgement;) And in the third place, which his *Majesty* termed a *Question* only. But he is an idle Body, that thinks his *Majesty* asks an idle *Question*; And therefore his *Majesties* Questions are to be answered, by taking away the Cause of the *Question*, and not by *Replying*.

For the *Name*, his *Majesties Will* is a *Law*, in those things; And to speak Truth, it is a well-sounding and Noble Name, both here and abroad: And being your proper *Name*, I will take it for a good Sign, that you shall give Honour to your *Dignity*, and not your Dignity to you. Therefore I have made it *Viscount Villiers:* And for your *Baronry*, I will keep it for an *Earldom:* For though the other had been more orderly, yet that is as usual, and both alike good in *Law*.

For *Ropers* place, I would have it by all means dispatched. And therefore, I marvail it lingreth. It were no good manners, to take the Business out of my Lord *Treasurers* hands; and therefore, I purpose to write to his *Lordship*, if I hear not from him first, by Mr. *Deckom*. But if I hear of any delay, you will give me leave (especially since the King named me) to deal with Sir *John Roper* my self; For neither I, nor my Lord *Treasurer*, can deserve any great thanks of you in this Business, considering the *King* hath spoken to Sir *John Roper*, and he hath promised; And besides, the thing it self it is so reasonable, as it ought to be as soon done as said. I am now gotten into the *Countrey*, to my House, where I have some Liberty, to think of that I would think of, and not of that, which other men hourly break my head withal, as it was at *London*. Upon this you may conclude, that most of my thoughts are of his *Majesty*; And then, you cannot be far off. *God* ever keep you, and prosper you. I rest alwayes,

Your true and most devoted,
Servant.

A Letter *to Sir* George Villiers, *upon the ſending his Patent of* Viſcount Villiers, *to be Signed.* Aug. 12. 1616.

SIR,

I Have ſent you now, your Patent of Creation of Lord *Blechley* of *Blechley*, and of *Viſcount Villier*. *Blechley* is your own, and I liked the ſound of the Name, better than *Whaddon*: But the Name will be hid, for you will be called *Viſcount Villiers*. I have put them both in a *Patent*, after the manner of the Patent of Arms, where Baronries are joyned. But the chief Reaſon was, becauſe I would avoid double *Prefaces*; which had not been fit: Nevertheleſs, *Ceremony* of *Roabing*, and otherwiſe, muſt be double: And now, becauſe I am in the *Country*, I will ſend you ſome of my *Country Fruits*, which with me are good *Meditations*; which when I am in the *City*, are choaked with Buſineſs.

After that the *King* ſhall have watred your new *Dignities*, with his bounty, of the Lands which he intends you; And that ſome other things concerning your means, which are now likewiſe in intention, ſhal be ſetled upon you; I do not ſee, but you may think your private fortunes eſtabliſhed; and therefore it is now time, that you ſhould refer your Actions, chiefly to the good of your *Soveraign*, and your *Country*. It is the life of an Oxe, or a Beaſt, alwayes to eat, and never to exerciſe; But Men are Born (eſpecially *Chriſtian Men*) not to cram in their *Fortunes*, but to exerciſe their *Vertues*; And yet the other, have been the unworthy, and ſometimes, the unlucky humour of great Perſons, in our Times; Neither will your *Fortune* be the further off. For aſſure your ſelf, that *Fortune* is of a womans Nature, that will ſooner follow you by ſlighting, than by too much Wooing: And in this Dedication of your ſelf to the Publick, I recommend unto you principally, that which I think was never done, ſince I was born; And which not done, hath bred almoſt a Wilderneſs, and Solitude in the *Kings* Service: which is, that you countenance, and encourage, and advance, able and vertuous men, in all kinds, degrees, and Profeſſions. For in the time of ſome late great Counſellours, when they bore the ſway, able men were by deſign, and of purpoſe ſuppreſſed: And though now, ſince Choice goeth better both in *Church* and *Common-wealth*, yet Money, and Turn-Serving, and Cunning Canviſes, and Importunity, prevail too much. And in places of Moment, rather make able and Honeſt men yours, than advance thoſe that are otherwiſe, becauſe they are yours: As for Cunning and Corrupt men, you muſt, I know, ſometimes uſe them, but keep them at a diſtance; and let it appear, that you make uſe of them, rather than that they lead you. Above all, depend wholly next (to *God*) upon the *King*; and be ruled (as hitherto you have been) by his Inſtructions; for that's beſt for your ſelf. For the Kings Care and Thoughts concerning you, are according to the thoughts of a *great King*; whereas your thoughts concerning your ſelf, are, and ought to be, according to the thoughts of a *Modeſt man*. But let me not weary you. The ſum is, that you think *Goodneſs*, the beſt part of *Greatneſs*; And that you remember whence your Riſing comes, and make return accordingly. *God* ever keep you.

A Letter *to the* King, *touching Sir* George Villiers *Patent, for* Baron *of* Blechley, *and* Viſcount Villiers. Aug. 12. 1616.

It may pleaſe your moſt Excellent Majeſty,

I Have ſent Sir *George Villiers Patent*, drawn again, containing alſo a *Baronry*: The Name *Blechley*, is his own; and to my thinking ſoundeth better than *Whaddon*. I have included both in one *Patent*, to avoid a double *Preface*, and as hath been uſed, in the *Patents* of *Earls*, of like nature. Nevertheleſs, the *Ceremony* of *Roabing*, and otherwiſe, is to be double, as is alſo uſed in like caſe of Earls.

It reſteth, that I expreſs unto your *Majeſty*, my great joy in your Honouring and advancing this *Gentleman*: whom to deſcribe, not with Colours, but with true Lines, I may ſay this; Your *Majeſty*, certainly hath found out and choſen, a ſafe Nature, a capable Man, and honeſt Will. Generous and Noble affections, and a courage well lodged; and one, that I know, loveth your *Majeſty* unfeignedly; and admireth you as much as is in a man, to admire his *Soveraign* upon earth. Only, your *Majeſties School* (wherein he hath already ſo well profited, as in this Entrance upon the Stage, being the Time of greateſt Danger, he hath not committed any manifeſt Errour;) will add Perfection to your *Majeſties* comfort, and the great contentment of your People. *God* ever preſerve, and proſper your *Majeſty*. I reſt in all Humbleneſs,

Your Majeſties *moſt bounden, and moſt devoted*, Subject *and* Servant.

A Letter *to Sir* George Villiers, *upon the ſending of his* Patent *for the Creation of* Viſcount, *ſealed* Aug. 20. 1616.

SIR,

I Took much contentment, in that I perceive by your *Letter*, that you took in ſo good part, the freedom of my Advice; and that your ſelf in your own Nature, conſented therewith. Certainly, no ſervice is comparable to good Counſel; And the Reaſon is, becauſe no man can do ſo much for another, as a man may do for himſelf: Now good *Counſel* helpeth a man to help himſelf. But you have ſo happy a *Maſter* as ſupplieth all. My Service, and good will, ſhall not be wanting.

It was graciouſly and kindly done alſo, of his *Majeſty* towards me, to tell you, that you were beholding to me. But it muſt be then, for thinking of you as I do; For otherwiſe, for ſpeaking as I think, it is but the part of an Honeſt man. I ſend you your *Patent*, whereof *God* give you joy: And I ſend you here incloſed, a little Note of Remembrance, for that part of the *Ceremony*, which concerneth the *Patent*: For, as for other *Ceremonies*, I leave to others.

My Lord *Chancellor* diſpacht your *Patent* preſently, upon the receipt; And

And writ to me, how glad he was of it, and how well he wished you. If you writ to him a few words of Thanks, I think you shall do well. *God* keep you, and prosper you.

Your true and most devoted
Servant.

A Letter *to Sir* George Villiers, *acknowledging the* Kings *Favour, in granting some Sute of his.* Aug. 22. 1616.

SIR,

I Am more and more bound unto his *Majesty*, who I think knowing me to have other ends than Ambition, is contented to make me Judge of mine own Desires. I am now beating my brains (amongst many cares of his Majesties business) touching the redeeming of Time in this business of *Cloath*. The great Question is; How to miss, or how to mate the *Flemmings*; How to pass by them, or how to pass over them.

In my next Letter, I shall alter your Stile; But I shall never, whilst I breath, alter mine own Stile, in being

Your true, and most devoted
Servant.

The *Lord Keepers Letter* to the University, in answer, of their Congratulation at his first comming to that place.

To the Renowned University of Cambridge, *his Dear and Reverend* Mother.

My Lord,

I Am Debtor to you of your *Letters*, and of the Time likewise, that I have taken, to answer them; But as soon as I could chuse what to think on, I thought good to let you know, That although you may err much in your valuation of me, yet you shall not be deceived in your Assurance: And for the other part also, though the manner be to mend the *Picture* by the *Life*; yet I would be glad to mend the *Life* by the *Picture*, and to become, and be, as you express me to be. Your Gratulations, shall be no more welcom to me, than your business, or occasions; which I will attend; and yet not so, but that I shall endeavour to prevent them, by my care of your good. And so I commend you to Gods goodness.

Your most loving, and assured
Friend *and* Son,

Gorhambury, Apr. 12. 1617. *FR. BACON. C. S.*

A Letter *of King* James, *written to his* Lordſhip *when he was* Lord Chanceller, *with his* Majeſties *own Hand, upon the ſending to him, his Book of* Inſtauratio Magna, *then newly publiſhed.*

My Lord,

I Have received your *Letter*, and your *Book*; than the which, you could not have ſent a more acceptable Preſent unto me. How thankful I am for it, cannot better be expreſſed by me, than by a firm Reſolution I have taken; Firſt, to read it thorough with care and attention; though I ſhould ſteal ſome hours from my ſleep; Having otherwiſe, as little ſpare time to read it, as you had to write it. And then, to uſe the liberty of a true Friend, in not ſparing to ask you the queſtion, in any point where I ſhall ſtand in doubt; (*Nam ejus eſt Explicare, cujus eſt Condere*: As, on the other part, I will willingly give a due commendation to ſuch places, as in my opinion ſhall deſerve it. In the mean time, I can with comfort aſſure you, that you could not have made choice of a Subject more befitting your place, and your Univerſal Methodick knowledge; And in the general, I have already obſerved, that you jump with me, in taking the mid-way, between the two Extremes; As alſo in ſome particulars, I have found, that you agree fully with my opinion. And ſo praying God to give your *Work* as good ſucceſs as your Heart can wiſh, and your Labours deſerve, I bid you heartily farewell.

JAMES REX.

Octob. 16. 1620.

OTHER

OTHER LETTERS, WRITTEN BY THE SAME Honourable Author.

To my Lord *of* Essex.

My singular good Lord,

I May perceive, by my *Lord Keeper*, that your *Lordship*, as the time served, signified unto him an intention to confer with his *Lordship* at better opportunity; which in regard of your several and weighty occasions, I have thought good to put your *Lordship* in remembrance of; that now at his coming to the *Court*, it may be executed; desiring your good *Lordship*, nevertherless, not to conceive out of this my diligence in solliciting this matter, that I am, either much in *Appetite* or much in *Hope*. For as for *Appetite*; the *Waters* of *Parnassus* are not like the *Waters* of the *Spaw* that give a Stomach; but rather they quench *Appetite* and *Desires*. And for *Hope*; how can he hope much that can alledge no other reason, than the reason of an evil *Debter*; who will perswade his *Creditor* to lend him new Sums, and to enter further in with him, to make him satisfie the old? And to her *Majesty* no other reason, but the reason of a *Waterman*; *I am her first Man*, of those who serve in *Counsel* of *Law*. And so I commit your *Lordship* to *Gods* best preservation.

These Letters following, I find not in his Lordships Register-Book of Letters; but I am enduced, by the Stile and other Characters, to own them, to be his.

To my Lord *of* Essex.

My Lord,

COnceiving that your *Lordship* came now up in the person of a good *Servant*, to see your *Sovereign Mistris*; which kind of *Complements*,

are many times, *Instar magnorum Meritorum*; and therefore that it would be hard for me to find you, I have committed to this poor Paper, the humble salutations of him, that is more yours than any Mans; and more yours than any Man. To these Salutations, I add a due and joyful Gratulation confessing that your *Lordship*, in your last conference with me, before your Journey, spake not in vain, *God* making it good; That you trusted, we should say, *Quis putasset?* Which, as it is found true in a happy sense, so I wish you do not find another *Quis putasset*, in the manner of taking this so great a *Service*. But, *I* hope it is, as he said; *Nubecula est, citò transibit*: And that your *Lordships* wisdom, and obsequious circumspection, and Patience, will turn all to the best. So referring all, to some time, that *I* may attend you, I commit you to *Gods* best preservation.

To my Lord *of* Essex.

My Lord,

I Am glad your *Lordship* hath plunged out of your own business. Wherein, *I* must commend your *Lordship*, as *Xenophon* commended the *State* of his *Country*; which was this; *That having chosen the worst Form of Government of all others, they governed the best in that kind. Hoc, Pace, & Veniâ tuâ*, according to my *Charter*. Now, as your *Lordship* is my Witness, that I would not trouble you whilst your own Cause was in hand; (though that I know, that the further from the *Term*, the better the time, was to deal for me;) so that being concluded, I presume, I shall be one of your next Cares. And having communicated with my *Brother* of some course, either to perfit the first, or to make me some other way; or rather, by seeming, to make me some other way, to perfit the first, wherewith he agreed to acquaint your *Lordship*; *I* am desirous, for mine own better satisfaction, to speak with your *Lordship* my self; Which I had rather were somewhere else than at Court; and as soon as your *Lordship* will assign me to wait on you. And so in, &c.

To Sir Robert Cecil.

Sir,

YOur *Honour* knoweth, my manner is, though it be not the wisest way, yet taking it for the honestest, to do as *Alexander* did, by his Physician; *In drinking the Medicine, and delivering the Advertisement of Suspition*: So I trust on, and yet do not smother, what I hear. I do assure you, *Sir*, that by a wise Friend of mine, and not factious toward your *Honour*, I was told with asseveration, that your Honour was bought by Mr. *Coventry* for 2000. Angels; and that you wrought in a contrary spirit to my *Lord* your *Father*. And he said further, that from your *Servants*, from your *Lady*, from some *Counsellors* that have observed you in my business, he knew, you wrought under hand against me. The truth of which Tale I do not believe; you know the event will shew, and *God* will

will right. But as I reject this Report (though the ſtrangeneſs of my Caſe might make me credulous;) ſo I admit a conceit, that the laſt Meſſenger, my *Lord* and your ſelf uſed, dealt ill with your *Honours*; and that Word (*Speculation*) which was in the *Queens* mouth, rebounded from him as a commendation: For I am not ignorant of thoſe little Arts. Therefore, I pray, truſt not him again in my matter. This was much to write, but I think my Fortune will ſet me at liberty, who am weary of aſſerviling my Self, to every mans charity. Thus I, &c.

To Sir John Stanhope.

Sir,

YOur good promiſes ſleep, which it may ſeem, now, no time to awake. But that I do not find, that any general Kalender of Obſervation of time ſerveth for the *Court*: And beſides, if that be done, which I hope by this time is done; and that other matter ſhall be done, which we wiſh may be done, I hope to my poor matter, the one of theſe great matters may clear the way, and the other give the occaſion. And though my *Lord Treaſurer* be abſent; whoſe health nevertheleſs, will enable him to be ſooner at *Court* than is expected; eſpecially if this hard weather (too hard to continue) ſhall relent; yet we abroad ſay, his *Lordſhips* ſpirit may be there, though his perſon be away. Once I take for a good ground, that her *Majeſties* Buſineſs ought to keep neither Vacation nor Holy-day; either in the execution or in the care and preparation of thoſe, whom her *Majeſty* calleth and uſeth: And therefore, I would think, no time barred from remembring that, with ſuch diſcretion and reſpect as appertaineth. The concluſion ſhall be, to put you in mind to maintain that which you have kindly begun according to the Reliance, I have upon the ſincerity of your affection, and the ſoundneſs of your Judgement. And ſo *I* commend you to *Gods* preſervation.

To my Lord *of* Eſſex.

It may pleaſe your good Lordſhip,

I Am very ſorry, her *Majeſty* ſhould take my motion to travail in offence. But ſurely, under her *Majeſties* Royal correction, it is ſuch an offence as it ſhould be an offence to the Sun, when a man, to avoid the ſcorching heat thereof, flyeth into the ſhade. And your *Lordſhip* may eaſily think, that having now theſe twenty years (for ſo long it is and more, ſince I went with Sir *Amyas Paulett* into *France*, from her *Majeſties* royal Hand) I made her *Majeſties* Service the Scope of my life: I ſhall never find a greater grief than this, *Relinquere Amorem Primum*. But ſince, *principia Actionum, ſunt tantùm, in noſtrâ poteſtate*; I hope her *Majeſty* of her Clemency, yea & Juſtice will pardon me, and not force me to pine here with Melancholy. For though mine Heart be good, yet mine Eyes will be ſore; ſo as I ſhall have no pleaſure to look abroad: And if I ſhould other-

wiſe be affected, her *Majeſty* in her Wiſdom, will think me an impudent man, that would face out a diſgrace. Therefore, as I have ever found you my good *Lord* and true Friend, ſo I pray, open the matter ſo to her *Majeſty*, as ſhe may diſcern the neceſſity of it, without adding hard conceit to her rejection; of which, I am ſure, the latter I never deſerved. Thus, *&c.*

To the Lord Treaſurer.

It may pleaſe your good Lordſhip,

I Am to give you humble thanks, for your favourable opinion, which by Mr. *Secretaries* report, I find you conceive of me, for the obtaining of a good place, which ſome of my honourable Friends have wiſhed unto me, *Nec Opinanti.* I will uſe no reaſon to perſwade your *Lordſhips* mediation, but this; that your *Lordſhip* and my other Friends, ſhall in this beg my life of the *Queen*; for I ſee well the Bar will be my Beer, as *I* muſt and will uſe it, rather than my poor Eſtate or Reputation ſhall decay. But I ſtand indifferent, whether *God* call me or her *Majeſty*. Had I that in poſſeſſion, which by your *Lordſhips* only means, againſt the greateſt oppoſition her *Majeſty* granted me, I would never trouble her *Majeſty*, but ſerve her ſtill voluntarily without pay. Neither, do I, in this, more than obey my Friends conceits, as one that would not be, wholly wanting to my Self. Your *Lordſhips* good opinion doth ſomwhat confirm me, as that I take comfort in above all others; aſſuring your *Lordſhip*, that I never thought ſo well of my ſelf for any one thing, as that I have found a fitneſs to my thinking in my ſelf, to obſerve and revere your Virtues. For the continuance whereof in the prolonging of your dayes, I will ſtill be your Beadſman; accordingly, at this time, commend your *Lordſhip* to the *Divine Protection.*

To Foulk Grevil.

Sir,

I Underſtand of your pains, to have viſited me; for which I thank you. My *Matter* is an endleſs *Queſtion.* I aſſure you, I had ſaid; *Requiſce anima mea:* But now I am otherwiſe put to my *Pſalter*; *Nolite confidere.* I dare go no farther. Her *Majeſty*, had by ſet ſpeech, more than once, aſſured me of her intention to call me to her ſervice; which I could not underſtand but of the place, I had been named to. And now, whether *Invidus Homo hoc fecit*; or whether my *Matter* muſt be an *Appendex* to my *Lo. of Eſſex* ſute; or whether her *Majeſty*, pretending to prove my ability, meaneth but to take advantage of ſome Errors, which, like enough, at one time or other I may commit; or what it is; but her *Majeſty* is not ready to diſpatch it. And what though the *Mr. of the Rowls*, and my *Lo. of Eſſex*, and your ſelf and others, think my caſe without doubt; yet in the mean time, I have a hard condition to ſtand ſo, that whatſoever ſervice I do to her *Majeſty*, it ſhall be thought to be but *ſervitium viſcatum*, lime-twigs and Fetches to place my ſelf; and ſo I ſhall have

have envy not thanks. This is a courſe to quench all good ſpirits, and to corrupt every mans nature; which will, I fear, much hurt her *Majeſties* Service in the end. I have been like a piece of Stuff beſpoken in the Shop: And if her *Majeſty* will not take me, it may be the telling by parcels will be more gainful. For to be, as I told you, like a Child following a Bird, which when he is neareſt flyeth away, and liteth a little before, and then the Child after it again, and ſo in *Infinitum*; I am weary of it: As alſo, of wearying my good Friends; of whom nevertheleſs, I hope, in one courſe or other, gratefully to deſerve. And ſo, not forgetting your buſineſs, I leave to trouble you with this idle *Letter*, being but *Juſta & Moderata Querimonia*. For indeed, I do confeſs, *primus Amor*, will not eaſily be caſt off. And thus again, I commend me to you.

To the Lord Treaſurer Burghley.

Moſt Honourable, *and my very good* Lord,

I Know, I may commit an Errour in writing this *Letter*, both in a time of great and weighty Buſineſs; as alſo, when my ſelf am not induced thereto, by any new particular occaſion: And thereof, your *Lordſhip* may impute to me, either Levity, or Ignorance, what appertaineth to good reſpects and forwardneſs of dealing; eſpecially to an *Honourable Perſon*, in whom there is ſuch concurrence of *Magnitudo Honoris, & Oneris* as it is hard to ſay, whether is the greater. But I anſwer my ſelf firſt, that I have ever noted it, as a part of your *Lordſhips* excellent Wiſdome, *Parvis componere Magna*, that you do not exclude inferiour matters of acceſs, amongſt the care of great. And for my ſelf, I thought, it would better manifeſt what I deſire to expreſs, if I did write out of a deep and ſettled conſideration of my own Duty, rather than upon the ſpur of a particular occaſion. And therefore, (my ſingular good *Lord*) *Ex abundantia cordis*, I muſt acknowledge, how greatly, and diverſly your *Lordſhip* hath vouchſafed to tye me unto you, by Many your Benefits. The Reverſion of the *office*, which your *Lordſhip* only procured unto me, and carried through great and vehement oppoſition, though it yet bear no fruit, yet it is one of the faireſt Flowers of my poor Eſtate; your *Lordſhips* conſtant, and and ſerious Endeavours, to have me *Sollicitor*: your late honourable wiſhes, for the place of the *Wards*: Together with your *Lordſhips* attempt to give me way by the remove of Mr. *Solliciter*; they be matters of ſingular obligation; beſides many other favours, as well by your *Lordſhips* Grants from your Self, as by your Commendation to others, which I have had for my help; and may juſtly perſwade my Self, out of the few Denials I have recived, that fewer mought have been; if mine own Induſtry and good hap, had been anſwerable to your *Lordſhips* Goodneſs. But on the other ſide, I moſt humbly pray your *Lordſhips* pardon, if I ſpeak it. The time is yet to come, that your *Lordſhip* did ever uſe, or command, or employ me, in my profeſſion, in any ſervices, or occaſions, of your *Lordſhips* own, or ſuch as are near unto your *Lordſhip*: which hath made me fear ſometimes, that your *Lordſhip* doth more honourably affect me, than throughly diſcern of my moſt humble, and dutiful affection to your *Lordſhip* again. Which if it were not in me, *I* knew not, whether I were unnatural, unthankful, or unwiſe. This cauſeth me, moſt humbly

humbly to pray your *Lordſhip*; (and I know mine own caſe too well, to ſpeak it as weening, I can do your *Lordſhip* ſervice, but as willing to do it;as) to believe, that your *Lordſhip* is upon juſt *Title*, a principal Owner, & proprietor, of that, I cannot call *Talent*, but *mite*, that *God* hath given me; which I ever do, and ſhall, devote to your ſervice. And in like humble manner, I pray your *Lordſhip*, to pardon mine Errors, & not to impute unto me the Errors of any other; (which I know alſo, themſelves have by this time left and forethought:) But to conceive of me to be a man, that dayly profitteth in duty. It is true, I do, in part comfort my ſelf, ſuppoſing that it is my weakneſs and inſufficiency, that moveth your *Lordſhip*, who hath ſo generall a command to uſe others more able. But let it be as it is; for duty only, and homage I will boldly undertake, that nature and true thankfulneſs ſhall never give place to a politick dependance. Laſtly, I moſt humbly deſire your *Lordſhip* to continue unto me, the good favour and countenance, and encouragemenr, in the courſe of my poor Travails; whereof I have had ſome taſte and experience; for the which, I yield your *Lordſhip* my very humble good thanks. And ſo again, craving your *Honours* pardon for ſo long a *Letter* carrying ſo empty an offer of ſo unpuiſſant a ſervice; but yet a true, and unfeigned, ſignification of an honeſt, and vowed duty; I ceaſe, commending your *Lordſhip* to the preſervation of the *Divine Majeſty*.

To my Lord *of* Eſſex.

Moſt Honourable *and my ſingular good* Lord,

I Cannot but importune your *Lordſhip*, with thanks, for your *Lordſhips* remembring my name to my *Lord Keeper*; which being done in ſuch an Article of time, could not but be exceedingly enriched, both in demonſtration and effect: which I did well diſcern by the manner of expreſſing thereof by his *Lordſhip*, again to me. This accumulating of your *Lordſhips* Favours upon me hitherto, worketh only this effect; that it raiſeth my mind to aſpire to be found worthy of them; and likewiſe to merit and ſerve you for them. But whether I ſhall be able to pay my vowes or no, I muſt leave that to *God*, who hath them in *depoſito*. Whom alſo, I moſt inſtantly beſeech to give you fruit of your actions, beyond that your Heart can propound. *Nam Deus major eſt corde.* Even to the *Environing* of his *Benedictions*, I recommend your *Lordſhip*.

To Sir Thomas Lucy.

Sir,

THere was no Newes better welcom to me this long time, than that of the good ſucceſs of my Kinſman; wherein if he be happy, he cannot be happy alone it conſiſting of two parts. And I render you no leſs kind thanks for your aid and favour towards him, than if it had been for my ſelf; aſſuring you that this Bond of Alliance ſhall on my part tye me to give

give all the Tribute to y ur go d Fortune upon all occaſions, that my poor ſtrength can yield. I ſend you, ſo required, an *Abſtract* of the *Lands* of *Inheritance*; and one *Leaf* of great value which my *Kinſman* bringeth; with a Note of the *Tenures*, *Values*, *Contents*, and *State*, truly and perfectly drawn; whereby you may perceive the *Land* is good *Land* and well countenanced by ſcope of *Acres*, *Woods* and *Royalties*; though the *Total* of the *Rents* be ſet down as it now goeth, without improvement: In which reſpect it may ſomewhat differ from your firſt Note. Out of this, what he will aſſure in *Jointure*, I leave it to his own kindneſs; for I love not to meaſure affection. To conclude, I doubt not your *Daughter* mought have married to a better *Living* but never to a better *Life*; having choſen a *Gentleman* bred to all Honeſty, Virtue, and Worth, with an Eſtate convenient. And if my Brother, or my Self, were either Thrivers, or Fortunate in the *Queens* Service, I would hope, there ſhould be left as great an Houſe of the *Cookes* in this Gentleman, as in your good Friend Mr. *Atturney General*. But ſure I am, if Scriptures fail not, it will have as much of Gods Bleſſing and Sufficiency, as ever the beſt Feaſt, *&c.*

To Sir Robert Cecil, *at his being in* France.

It may pleaſe your Honourable Lordſhip,

I Know you will pardon this my obſervance, in writing to you, empty of matter, but out of the fulneſs of my Love. I am ſorry that as your time of abſence is prolonged, above that was eſteemed at your *Lordſhips* ſetting forth; ſo now, upon this laſt Advertiſement received from you, there groweth an opinion amongſt better than the vulgar, that the difficulties alſo of your Negotiation are encreaſed. But becauſe, I know the gravity of your Nature to be not to hope lightly, it maketh me to deſpair the leſs. For you are *Natus ad Ardua*: and the indiſpoſition of the Subject may honour the Skill of the Workman. Sure I am, Judgement and Diligence ſhall not want in your *Lordſhips Self*: But this was not my purpoſe; being only to ſignifie unto your *Lordſhip*, my continual and inceſſant love towards you, thirſting after your return, for many reſpects. So I commend you ever to the good preſervation of the *Divine Majeſty*. *Grayes-Inn.*

At your *Honours* Commandement, ever,
and particularly.

To Sir Robert Cecil.

My ſingular good Lord,

THe argument of my *Letters* to your *Lordſhip*, rather increaſeth than ſpendeth; it being only the deſire I have to ſalute you: which by your abſence is more augmented than abated. For me to write your *Lordſhip* Occurrences either of *Scottiſh* Brags, or *Iriſh* Plants, or *Spaniſh* Rumming, or *Low-Countrey* States, were (beſides that it is *alienum quiddam*, from

from mine own humour) to forget to whom I write; ſave that you, that know true Advertiſements, ſometimes deſire and delight to hear common Reports; as we that know but common Reports, deſire to hear the Truth. But to leave ſuch as write to your Fortunes, I write to your ſelf, in regard of my love to you; you being as near to me in Hearts Blood, as in Blood of Deſcent. This day I had the contentment to ſee your *Father*, upon occaſion: And methought his *Lordſhips* countenance was not decayed, nor his cough vehement; but his voice was as faint all the while as at firſt. Thus wiſhing your *Lordſhip* a happy, and ſpeedy return, I commend you, to the *Divine Majeſty*.

To the Queen.

It may pleaſe your ſacred Majeſty,

I Would not fail to give your *Majeſty*, my moſt humble and due thanks, for your *Royal* choice of ſuch Commiſſioners, in the great *Star-chamber* Cauſe; being perſons beſides their Honour of ſuch Science and Integrity. By whoſe report I doubt not but your *Majeſty* will find that, which you have been heretofore enformed (both by my Lord *Keeper*, and by ſome much meaner perſon) touching the nature of that Cauſe, to be true. This preparatory Hearing doth already aſſail me, with new and enlarged Offers of Compoſition; which if I had born a mind to have kearkened unto, this matter had been quenched long agoe, without any benefit to your *Majeſty*. But your *Majeſties* benefit is to me in greater regard, than mine own particular: Truſting to your *Majeſties* gracious diſpoſition and *Royal* word, that your *Majeſty* will include me, in any extraordinary courſe of your *Sovereign* pleaſure, which your *Majeſty* ſhall like to take in this Cauſe. The other man, I ſpoke to your *Majeſty* of, may within theſe two Terms, be in the ſame ſtreights, between your *Majeſties* Juſtice and Mercy, that this Man now is, if your *Majeſty* be ſo pleaſed. So moſt humbly craving pardon, for my preſuming to ſeek acceſſe, for theſe few Lines, I recommend your *Majeſty* to the moſt precious Cuſtody, and beſt preſervation of the *Divine Majeſty*.

Your *Majeſties*, moſt humble, and entirely obedient *Servant* and *Subject*.

To the Queen.

It may pleaſe your Majeſty,

Written by Mr. Bacon for my Lord of Eſſex

IT were great ſimplicity in me to look for better, than that your *Majeſty* ſhould caſt away my *Letter* as you have done me; were it not that it is poſſible, your *Majeſty* will think to find ſomewhat in it, whereupon your diſpleaſure may take hold; and ſo indignation may obtain that of you which Favour could not. Neither mought I in reaſon, preſume to offer unto your *Majeſty* dead lines, my ſelf being excluded as I am; were it not upon this only argument or ſubiect; namely, to clear my ſelf in point of *Duty*. *Duty*, though my State lye buried in the Sands; and my Favours be

be caſt upon the Waters; And my Honours be committed to the Wind; Yet ſtandeth ſurely built upon the *Rock*, and hath been, and ever ſhall be, unforced, and unattempted. And therefore, ſince the world out of Errour, and your *Majeſty*, I fear out of *Art*, is pleaſed to put upon me; That I have ſo much as any Election or Will in this my abſence, from Attendance; I cannot but leave this Proteſtation with your *Majeſty*: That I am and have been meerly a Patient, and take my ſelf only to obey, and execute your *Majeſties* will. And indeed *Madam*, I had never thought it poſſible that your *Majeſty* could have ſo diſ-intereſſed your ſelf of me; Nor that you had been ſo perfect in the Art of forgetting; Nor that after a Quinteſſence of Wormwood, your *Majeſty* would have taken ſo large a Draught of Poppy; as to have paſſed ſo many Summers, without all feeling of my ſufferings. But the only Comfort I have is this, that I know your Majeſty taketh Delight and Contentment, in executing this Diſgrace upon me. And ſince your Majeſty can find no other uſe of me, I am glad yet I can ſerve for that. Thus making my moſt humble petition to your Majeſty, that in Juſtice (howſoever you may by ſtrangeneſs untye, or by violence cut aſunder all other Knots) your Majeſty would not touch me, in that which is indiſſoluble; That is, point of *Duty*: And that your Majeſty will pardon this my unwarranted preſumption of writing, being to ſuch an end: I ceaſe in all Humbleneſs;

Your Majeſties *poor, and never ſo unworthy* Servant,
ESSEX.

To my Lord of Eſſex.

It may pleaſe your Lordſhip,

THat your *Lordſhip* is in *Statu quo Prius*, no man taketh greater gladneſs than I do; The rather, becauſe I aſſure my ſelf, that of your *Eclipſes*, as this hath been the longeſt, it ſhall be the leaſt; As the *Comical Poet* ſaith, *Neque illam tu ſatis noveras, neque te illa, hoc ubi fit, ibi non vivitur.* For if I may be ſo bold as to ſay what I think, I believe your *Lordſhip* looked, to have found her *Majeſty* in all points as you have done: Neither her *Majeſty*, per caſe, looked to have found your *Lordſhip* as ſhe hath done. And therefore I hope upon this experience, may grow more perfect Knowledge, and upon Knowledge more true conſent; Which I for my part, do infinitely wiſh, as accounting theſe Accidents to be like the Fiſh *Remora*; which, though it be not great, yet hath it a hidden property to hinder the ſailing of the Ship. And therefore, as bearing unto your Lordſhip, after her *Majeſty*, of all publick perſons, the ſecond Duty, I could not but ſignifie unto you, my affectionate Gratulation. And ſo I commend your good *Lordſhip*, to the beſt preſervation of the *Divine Majeſty*.

From Grays-Inn.

To my Lord Treaſurer Burghley.

My Lord,

WIth as much confidence, as mine own honeſt and faithful Devotion unto your Service, and your honourable Correſpondence unto me, and my poor eſtate, can breed in a Man, do I commend my ſelf unto your *Lordſhip*. I wax now ſomewhat ancient; One and thirty years is a great deal of ſand, in the hour-glaſs. My health, I thank *God*, I find confirmed; and I do not fear that Action ſhall impair it; Becauſe I account my ordinary courſe of Study and Meditation, to be more painful, than moſt parts of Action are. I ever bare a mind (in ſome middle place that I could diſcharge) to ſerve her Majeſtie; not as a man born under *Sol*, that loveth *Honour*; Nor under *Jupiter*, that loveth *Buſineſs*; (For the *Contemplative Planet* carrieth me away wholly) but as a man, born under an excellent *Soveraign*, that deſerveth the Dedication of all mens abilities. Beſides, I do not find in my ſelf, ſo much ſelf-love, but that the greater part of my Thoughts, are to deſerve well (if I were able) of my Friends, and namely of your Lordſhip; who being the *Atlas* of this *Commonwealth*, the *Honour* of my *Houſe*, and the ſecond *Founder* of my poor *Eſtate*, I am tied by all duties, both of a good *Patriot*, and of an unworthy *Kinſman*, and of an obliged *Servant*, to employ whatſoever I am to do you Service. Again, the meanneſs of my eſtate doth ſomewhat move me: For though I cannot accuſe my ſelf, that I am either prodigal, or ſlothful, yet my health is not to ſpend, nor my Courſe to get. Laſtly, I confeſs, that I have as vaſt *Contemplative Ends*, as I have *Moderate Civil Ends*: For I have taken all Knowledge to be my *Province*; and if I could purge it of two ſort of Rovers, whereof the one with frivolous Diſputations, Confutations and Verboſities; The other, with blind Experiments and Auricular Traditions, and Impoſtures, hath committed ſo many ſpoils; I hope, I ſhould bring in induſtrious Obſervations, grounded Concluſions, and profitable inventions and Diſcoveries, the beſt State of that *Province*. This, whether it be Curioſity or Vain-glory, or Nature, or (if one take it favourably) *Philanthropia* is ſo fixed in my mind, as it cannot be removed. And I do eaſily ſee; that *Place* of any *Reaſonable Countenance*, doth bring commandement of more *Wits* than of a mans own; which is the thing I greatly affect. And for your *Lordſhip*, perhaps you ſhall not find more Strength and leſs Encounter in any other. And if your *Lordſhip* ſhall find now or at any time, that I do ſeek or affect any place, whereunto any that is nearer unto your *Lordſhip* ſhall be concurrent, ſay then, that I am a moſt diſhoneſt man. And if your *Lordſhip* will not carry me on, I will not do as *Anaxagoras* did, who reduced himſelf with Contemplation, unto voluntary povertie. But this I will do, I will ſell the *Inheritance* that I have, and purchaſe ſome *Leaſe* of quick Revenue, or ſome Office of *Gain*, that ſhall be executed by *Deputy*, and ſo give over all care of Service, and ſo become ſome ſorry *Book-maker*, or a true *Pioner* in that *Mine of Truth*, which (he ſaid) *lay ſo deep*. This which I have writ unto your *Lordſhip*, is rather Thonghts, than Words, being ſet down without all Art, Diſguiſing, or Reſervation. Wherein I have done honour both to your *Lordſhips* Wiſdom, in judging that that will be beſt believed of your *Lordſhip*, which is trueſt; and to your *Lordſhips* good Nature, in retaining nothing from you. And even ſo,

I wiſh your Lordſhip all Happineſs, and to my ſelf Means and Occaſion, to be added, to my faithful deſire to do you Service. From my Lodging at *Grays-Inn.*

To the Lord Treaſurer Burghley.

My ſingular good Lord,

YOur Lordſhips comfortable Relation of her Majeſties gracious Opinion and Meaning towards me, though at that time, your leiſure gave me not leave, to ſhew how I was affected therewith; yet upon every Repreſentation thereof, it entreth and ſtriketh more deeply into me, as both by nature and dutie, preſſeth me to return ſome ſpeech of Thankfulneſs. It muſt be an exceeding comfort and encouragement to me; ſetting forth and putting my ſelf in way towards her *Majeſties* Service, to encounter with an example ſo private and domeſtical, of her *Majeſties* gracious goodneſs and benignity; being made good and verified, in my *Father*, ſo far forth as it extendeth to his *Poſterity*; accepting them, as commended by his ſervice, during the Nonage (as I may term it) of their own deſerts. I, for my part, am very well content, that I take leaſt part, either of his Abilities of Mind, or of his worldly Advancement; both which he held and received, the one of the Gift of *God* immediately, the other of her *Majeſties* gift: Yet, in the loyal and earneſt affection, which he bare to her *Majeſties* Service, I truſt my portion ſhall not be with the leaſt, nor in proportion with the youngeſt birth. For methinks, his Preſident ſhould be a ſilent charge upon his bleſſing, unto us all, in our degrees, to follow him afar off, and to dedicate unto her *Majeſties* ſervice, both the uſe and ſpending of our lives: true it is, that I muſt needs acknowledg my ſelf prepared, and furniſhed thereunto, with nothing but with a multitude of lacks and imperfections; But calling to mind how diverſely, and in what particular providence, *God* hath declared himſelf to tender the ſtate of her Majeſties affairs, I conceive and gather hope, that thoſe whom he hath in a manner preſt for her *Majeſties* ſervice, by working and imprinting in them, a ſingle and zealous mind, to beſtow their duties therein; he will ſee them accordingly appointed of ſufficiency convenient for the rank and ſtanding where they ſhall be employed: So as under this her Majeſties Bleſſing, I truſt to receive a larger allowance of Gods graces. And as I may hope for this, ſo I can aſſure and promiſe for my endeavour, that it ſhall not be in fault: But what diligence can entitle me unto, that I doubt not to recover. And now ſeeing, it hath pleaſed her Majeſty to take knowledge of this my mind, and to vouchſafe to appropriate me unto her ſervice, preventing any deſert of mine, with Princely liberality; Firſt, I humbly do beſeech your Lordſhip, to preſent to her Majeſty, my more than humble Thanks for the ſame: And withal, having regard to mine own unworthineſs to receive ſuch favour; and to the ſmall poſſibility in me, to ſatisfie and anſwer, what her Majeſty conceiveth; I am moved to become a moſt humble *Suter* to her Majeſty, that this Benefit alſo, may be affixed unto the other: which is; That if there appear in me no ſuch Towardneſs of ſervice, as it may be her Majeſtie, doth benignly value and aſſeſs me at; by reaſon of my ſundry wants, and the diſadvantage of my nature, being unapt to lay forth the ſimple ſtore of thoſe inferiour gifts, which God hath allotted

unto me, moſt to view; yet, that it would pleaſe her Excellent *Majeſty*, not to account my Thankfulneſs the leſs, for that my Diſability is great to ſhew it; But to ſuſtain me, in her *Majeſties* gracious opinion, whereupon I only reſt, and not upon any expectation of Deſert, to proceed from my ſelf, towards the Contentment thereof. But if it ſhall pleaſe *God*, to ſend forth an occaſion, whereby my faithful affection may be tried, I truſt, it ſhall ſave me labour, for ever making more proteſtation of it hereafter. In the mean time, howſoever it be not made known to her *Majeſty*, yet *God* knoweth it, through the daily ſollicitations, wherewith I addreſs my ſelf unto him, in unfeigned prayer, for the multiplying of her *Majeſties* proſperities. To your *Lordſhip* alſo, whoſe Recommendation I know right well, hath been material to advance her Majeſties good opinion of me, I can be but a bounden Servant. So much may I ſafely premiſe, and purpoſe to be, ſeeing publick and private Bonds vary not, but that my Service to her Majeſty and your *Lordſhip*, draw in a Line. I wiſh therefore to ſhew it, with as good proof, as I can ſay it, in good faith, &c.

Your Lorſhips, &c.

To Sir Robert Cecil.

It may pleaſe your good Honour;

I Am apt enough, to condemn *Mendacia Famæ*, yet it is with this Diſtinction; as *Fame* walks among Inferiours, and not as it hath Entrance into ſome Ears. And yet, nevertheleſs, in that kind alſo, I intend to avoid a ſuſpicious ſilence, but not to make any baſe *Apology*. It is blown about the Town, that I ſhould give opinion, touching my Lord of *Eſſex* Cauſe; Firſt, that it was a *præmunire*; and now laſt, that it reached to *High Treaſon*. And this opinion ſhould be given, in oppoſition to the opinion of the Lord *Chief Juſtice*, and of Mr. *Attorney General*. *Sir*, I thank God, whatſoever opinion, my head ſerveth me to deliver to her Majeſty, being asked, my heart ſerveth me to maintain; the ſame honeſt Duty, directing me, and aſſiſting me. But the utter untruth of this *Report*, *God* and the *Queen* can witneſs; and the improbability of it, every man that hath Wit, more or leſs, can conceive. The Root of this, I diſcern to be not ſo much a light, and humourous Envy, at my Acceſſes to her *Majeſty*; (which of her *Majeſties* grace, being begun in my firſt years, I would be ſorry ſhe ſhould eſtrange in my laſt years; (For ſo I account them, reckoning by *Health*, not by *Age*;) as a deep malice, to your Honourable ſelf; upon whom, by me, through nearneſs, they think to make ſome aſperſion. But, as I know no Remedy againſt Libels and Lies: So I hope, it ſhall make no manner of diſſeverance, of your honourable good Conceits, and affection towards me; which is the thing I confeſs to fear. For as for any violence to be offered to me, wherewith my Friends tell me, to no ſmall terrour, that I am threatned; I thank *God*, I have the privie Coat of a good Conſcience; and have a good while ſince, put off any fearful care of Life, or the accidents of Life. So deſiring to be preſerved, in your good Opinion, I remain.

To

To the Queen.

It may pleaſe your Excellent Majeſty;

I Preſume, according to the Ceremony and good manner of the Time, and my accuſtomed Duty, in all Humbleneſs to preſent your *Majeſty*, with a ſimple Gift; almoſt as far from anſwering my mind, as ſorting with your Greatneſs; And therewith wiſh, that we may continue to reckon on, and ever, your *Majeſties* happy years of Reign: And they that reckon, upon any other hopes, I would they might reckon ſhort, and to their Coſt. And ſo craving pardon moſt humbly, I commend your *Majeſty*, to the preſervation of the *Divine Goodneſs*.

To the Queen.

It may pleaſe your moſt Excellent Majeſty;

I Moſt humbly entreat your *Majeſty*, not to impute my abſence, to any weakneſs of mind or unworthineſs. But I aſſure your *Majeſty*, I do find Envy beating ſo ſtrongly upon me, ſtanding as I do, (if this be to ſtand) as it were not ſtrength of mind, but ſtupidity, if I ſhould not decline the Occaſions; Except I could do your Majeſty more ſervice, than I can any wayes diſcern that I am able to do. My Courſe towards your Majeſty, (*God* is my witneſs) hath been pure and unleavened: And never poor Gentleman (as I am perſwaded) had a deeper and truer deſire, and care of your glory, your ſafety, your repoſe of Mind, your ſervice: Wherein, if I have exceeded my outward vocation, I moſt humbly crave your Majeſties pardon for my preſumption. On the other ſide, if I have come ſhort of my inward vocation, I moſt humbly crave Gods pardon, for *quenching the Spirit*. But in this mind I find ſuch ſolitude, and want of comfort; which I judge to be, becauſe I take duty too exactly, and not according to the dregs of this age; wherein the old *Antheme*, mought never be more truly ſung; *Totus Mundus in maligno poſitus eſt*. My Life hath been threatned, and my Name Libelled, which I count an Honour. But theſe are the practices of thoſe, whoſe deſpairs are dangerous; But yet not ſo dangerous as their Hopes: Or elſe the devices of ſome, that would put out all your Majeſties lights, and fall on reckoning, how many years you have reigned; which I beſeech our *bleſſed Saviour* may be doubled: And that I may never live to ſee any eclipſe of your glory, interruption of ſafety, or indiſpoſition of your perſon; which I commend to the *Divine Majeſty*; who keep you and fortifie you.

To my Lord Hen. Howard.

My Lord,

THere be very few beſides your ſelf, to whom I would perform this reſpect. For I contemn *Mendacia Famæ*, as it walks among inferiours; though I neglect it not, as it may have entrance into ſome Ear

Ear. For your Lordſhips love, rooted upon good opinion, I eſteem it highly, becauſe I have taſted the fruits of it; and we both have taſted of the beſt waters, in my accompt, to knit minds together. There is ſhaped a Tale in *Londons* forge, that beateth apace at this time; That I ſhould deliver opinion to the *Queen*, in my Lord of *Eſſex* Cauſe. Firſt, that it was *premunire*; and now laſt, that it was *High Treaſon*; And this Opinion, to be in oppoſition and encounter of the Lord *Chief Juſtices* opinion, and the *Atturney Generals*. My *Lord*, (I thank *God*) my wit ſerveth me not to deliver any Opinion to the *Queen*, which my ſtomack ſerveth me not to maintain: One and the ſame conſcience of Duty guiding me, and fortifying me. But the untruth of this *Fable*, *God* and my *Soveraign* can witneſs; and there I leave it: Knowing no more Remedy againſt *Lies*, than others do againſt *Libels*. The Root, no queſtion of it is; partly, ſome light-headed envy at my acceſſes to her Majeſty; which being begun, and continued ſince my childhood, as long as her Majeſty ſhall think me worthy of them, I ſcorn thoſe that ſhall think the contrary. And another reaſon is, the aſperſion of this Tale, and the envy thereof, upon ſome greater man, in regard of my nearneſs. And therefore (my *Lord*) I pray you anſwer for me, to any perſon that you think worthy your own Reply, and my defence. For my Lord of *Eſſex*, I am not ſervile to him, having regard to my Superiours duty. I have been much bound unto him. And on the other ſide, *I* have ſpent more time and more thoughts about his well-doing, than ever *I* did about mine own. *I* pray *God* you his Friends amongſt you be in the right. *Nulla Remedia, tam faciunt dolorem, quam quæ ſunt ſalutaria.* For my part, I have deſerved better, than to have my Name objected to Envie, or my Life to a Ruffians violence. But I have the privy Coat of a good Conſcience. I am ſure, theſe Courſes and Bruits, hurt my *Lord* more than all. So having written to your *Lordſhip*, I deſire exceedingly, to be preferred in your good Opinion and Love. And ſo leave you to Gods goodneſs.

The Earl *of* Eſſex Letter *to the* Council, *at his Embarquing for* Spain. *June* 1596.

My very good Lords;

HAving taken order for all things, that belong to our Land Forces; and ſtaying only till the Ships be readie to take in our Souldiers, I am come aboard, as well to draw other men by my example to leave the ſhore; as to have time and leiſure, to ask account of my ſelf, what other duty I have to do, beſides the governing of thoſe Troops; and the uſing of them to good purpoſe. In which Meditation, as I firſt ſtudy to pleaſe my moſt gracious *Soveraign*, as well as to ſerve her; ſo my next care is, to leave your *Lordſhips* well ſatisfied of my paſt Carriage, ſince I was nominated to this Service; and apt to make favourable Conſtruction of what I ſhall do hereafter.

In my paſt Carriage, I will neither plead Merit, nor excuſe imperfections: For whatſoever I ſhall be able to do, I know is leſs than I owe; and beſides my faults, my very Faith and Zeal (which are the beſt things in me) do make me commit Errours. But I would fain approve the matter

ter it ſelf of undertaking this ſervice, to have been good, howſoever my former have been erroneous; Or at leaſt, my intent and ends unblameable, though my judgement were faulty. Your Lordſhips know, it hath been the Wiſdom of all Times, rather to attempt and do ſomething in another Country, than to attend an Enemy, and be in danger much in our own. And if this Rule among the *Ancients* was generally held true, it might be better allowed of us in particular caſes, where a State, little in Territory, not extraordinary rich, and defended onely with it ſelf, ſhall have to do with another State, that hath many and ample Dominions, the Treaſure of the *Indies*, and all the Mercenaries of *Chriſtendome* to ſerve it. For we have, as the *Athenians* had with the ancient uſurping *Philip*; *Prælium facile, Bellum difficile.* Therefore it is our diſadvantage, to draw the War into length. And if any man in this *Kingdom*, ſhould be allowed to perſwade to prevention, he might be one, that ſaw the *Spaniard* at home, apprehend an Invaſion with greater Terrour, than he makes it abroad: And that was a Witneſs, how an handful of men, neither armed, victualled, nor ordered as they ſhould be; landed, marched, and had done what they liſted, if either the Ships had come up, or they had had any proviſions, to make a hole in a Wall, or to break open a Gate. But though the Counſel be good for ſome *States*, and for ours at ſome times, yet the opportunities ought to be watched, and it muſt appear, that this it is which is now taken. The opportunity for ſuch ſervice, I take to be, when either the Enemy may receive the moſt hurt; Or when he is likelieſt to attempt againſt us, if he be not impeached. The hurt that our Eſtate ſhould ſeek to do him, is; To intercept his Treaſure, whereby we ſhall cut his Sinews, and make War upon him with his own Money; And to beat, or at leaſt diſcontinue him from the Sea, whereby her Majeſtie ſhall be, both ſecured from his Invaſions, and become *Miſtris* of the Sea; which is the Greatneſs that the Queen of an Iſland, ſhould moſt aſpire unto. In matter of Profit, we may this Journey, moſt hurt him, and benefit our ſelves; ſince he hath (as is agreed on by all men) more *Caracks* to come home now, than ever any year before. Beſides many good advantages which ſhall be offered, if we command the Coaſt. And to give him a blow, and diſcountenance him by Sea, now is the time; when he hath declared his Ambition, to command the Seas; and yet, ſo divided his Fleets: Some appointed to be ſet out, and yet ſcant in readineſs; others upon point of coming home, and not fit to defend themſelves, if either they be met at Sea, or found in harbour; And all ſo diſperſed in ſeveral places, as if at any time we might do good that way, it is now. And whether he will make War upon us, if we let him alone: Let his Sollicitations, Offers, and Gifts to the *Rebels* of *Ireland*; His beſieging and winning of *Calais*, and thoſe parts of *France* that front upon us; And his ſtrengthening himſelf by Sea, by ſo many means; Let theſe things (I ſay) tell us. So, as if we will at any time, allow the Counſel of prevention to be reaſonable, we muſt now confeſs it to be opportune. But whatſoever the Counſel were, I am not to be charged with it. For as I was not the Contriver, nor offerer of the Project, ſo if I had refuſed to joyn with him, (that did invite me to it) I ſhould have been thought both incompatible and backward in her Majeſties ſervice. I ſay not this, for that I think the action ſuch, as it were Diſadvantage, to be thought the Projector of it; But I ſay, and ſay truly, that my Lord

Admiral

Admiral devised it, presented it to her *Majesty*, and had as well the Approbation of her *Majesty* and the assent of such of your *Lordships*, as were acquainted with it, as my promise to go with him. One thing (I confess) I above all men am to be charged withal: That is, that when her *Majesties*, the Cities of *London*, and the States of the *Low-Countries* charge was past, the men levied, and marching to the *Rendez-vous*; I could not see, how with her *Majesties* honour and safety, the Journey might be broken. Wherein, although I should be carried with passion, yet I pray your *Lordships* consider, who almost, that had been in my case named to such an Action, voiced throughout *Christendom*, and engaged in it as much as I was worth; And being the Instrument, of drawing more voluntary men of their own charge, than ever was seen these many years: Who (I say) would not have been so affected? But far be it from me, in any *Action* of this importance, to weigh my self, or my particular fortunes. I must beseech your *Lordships* to remember, that I was from time to time, warranted by all your opinions, delivered both amongst your selves, and to her *Majesty*: Which tieth you all to allow the Counsel. And that being granted, your *Lordships* will call that Zeal, which maketh a man constant in a good Counsel, that would be passion in an evil, or a doubtful. I confess, her Majesty offered us recompence for all our charges and losses. But (my Lords) I pray your Lordships consider, how many things I should have sold at once for money? I will leave mine own reputation as too small a matter to be mentioned. But I should have sold, the Honour of her *Majesty*; The safety of the *State*; The Contentment of her *Confederates*; The Fortune and Hope of many of my poor *Country-men*; And the possibility of giving a *Blow* to that *Enemy*, that ought ever to be hateful to all true *English hearts*. I should have sold all this, for private profit. Therefore, though I ask pardon of her *Majesty*, and pray your *Lordships* to mediate it for me, that I was carried by this Zeal so fast, that I forgot those Reverend Forms, which I should have used; yet I had rather have my *Heart* out of my Body, than his Zeal out of my *Heart*. And now, as I have laid before your Lordships my past carriage, and entring into this *Action*; So I beseech your Lordships give me leave, to prepare you to a favourable Construction of that, which I shall do hereafter. In which Sute I am resolved, neither to plead the hazarding of life, nor spending of my substance, in a publick Service; To the end, that I might find your Lordships (who are publick persons) more favourable *Judges*: But will confess, that I receive so much favour, and Honour by this trust, and employment, as when I have done all I can, I shall still be behind hand. This Sute only I make, that your Lordships will neither have too great an expectation of our Actions, nor too little; Lest all we do, seem either nothing, or to be done by chance. I know, we must be tied to do more, than shall be for her Majesties Service, nor no less. In which strait way, thought it be hard for so weak a man as my self to walk upright; yet the example of our raw souldiers, may comfort an unsufficient *General*. For they, till they grow perfect in all their Orders and Motions, are so afraid to be out, & with such a continual heedfulness, observe both themselves and those that are near them, that they do keep, almost as good order at the first, as ever after. I am sure I am as distrustful of my self, as they. And because I have more sense of Duty, I shall be more industrious. For *Sea-Service*, the judgment of my *Honourable Companion* shall be my compass. And for Land, his Assent, and the Advice of those

thoſe her *Majeſty* hath named, as *Counſellors* at War, ſhall be my Warranties. It will be Honour to her *Majeſty* and a great aſſurance to her State, if we either bring home wealth or give the *King* of *Spain* a blow by Sea. But to have made a continual Diverſion, and to have left as it were, a Thorn, ſticking in his foot, had been a Work worthy of ſuch a *Queen*, and of ſuch a *Preparation*. For then her *Majeſty* ſhould have heard no more of his intentions for *Ireland*, and attempts upon the *Coaſt* of *France*; or his drawing of *Ships* or *Gallies* into theſe *Narrow Seas*; but ſhould at once have delivered all *Chriſtendom* from his fearful *Uſurpation*. Whetin, as ſhe had been great in *Fame* for ſuch a general preſervation; ſo ſhe had been as great in *Power* in making all the Enemies of *Spain* in *Chriſtendom*, to depend upon Her. She ſhould be *Head* of the Party; She only might be ſaid to make the *Wars* with *Spain*, becauſe ſhe made them to purpoſe; and they all, but as her Aſſiſtants and Dependants. And laſtly, as the End of the *Wars* is *Peace*; ſo ſhe might have had *Peace*, when ſhe would, and with what Conditions ſhe would, and have included or left out whom ſhe would. For ſhe only, by this courſe ſhould force him, to wiſh for Peace, and ſhe had the means in her hands, to make the Conditions. And as eaſie it had been, to have done this as to have performed leſſer Services. The Objections againſt this, will be *Hazard* and *Charge*. *Hazard*, to hold any Thing of his, that is ſo mighty a *King*: And *Charge*, to ſend ſuch Supplies from time to time, as will be needful. For *Hazard*, it is not the *Hazard* of the *State* or the *Whole*, as are the *Hazards* of a *Defenſive War* whenſoever we are enforced to fight: But it is only a *Hazard* of ſome few, and ſuch *Commanders*, as ſhall be ſet out for ſuch a Service. And thoſe alſo, that ſhall be ſo *hazarded*, ſhall be in leſs danger, than if they were put into any Frontire Places of *France*, or of the *Low Countries*. For they ſhould not be left in any part of the *Main* or *Continent* of *Spain* or *Portugal*, where the Enemy might bring an Army to attempt them; (Though I doubt not, but after he had once tryed what it were to beſiege two or three thouſand *Engliſh* in a place well fortified, and where they had a *Port* open, he would grow quickly weary of thoſe attempts;) but they ſhould be ſo lodged as the Seat, and Strength of the place, ſhould warrant their ſafety; ſo that to pull her *Majeſties* Men out of it, ſhould be a harder Task than to conquer any Country that ſtands on firm land by him: And to let *Engliſh* quietly poſſeſs it, ſhould ſo much prejudice him as he were not able to endure it. And for *Charge*, there need not ſo much be expended, but that it might eaſily be born. And the Place being well choſen, and the *War* well conducted, in a ſhort time there would not only ariſe enough to pay the *Charge*; but the great profit to her *Majeſty*, and wealth to our *Country*, would grow from the *place* that ſhould be held. For in a ſhort time a great part of the *Golden Indian Stream* might be turned from *Spain* to *England*; and her *Majeſty* be made to give Law to all the *World* by Sea without her *Charge*. Beſides, this fearful Enemy which is now a Terror to all *Chriſtendome*, ſhould be ſo weakened in Strength, Reputation, and Purſe as her *Majeſty* ſhould for ever after have an eaſie Enemy of him. It may be your *Lordſhips* will deſire to know the *Place* that ſhould be attempted; the *means*, firſt to take it, then to hold it; the *Commodity* or *Advantage* that might grow to this *Eſtate* by it. But that with your *Lordſhips* leave, ſhall be reſerved till my next. This is only to beſeech you for our dear *Sovereign* ſake, for the Glory and Wellfare of Her, and her Eſtate, that you will think upon this general

neral Propoſition. And if your *Lordſhips* find it reaſonable, that you will move it to the *Queen* : By whom if I be commanded to ſet down the *Hypotheſis*, or to deſcend unto particulars, I will offer my *Project* with this Condition, that if I adviſe any Thing, that the *Counſel* of *War* ſhall think dangerous, it may be rejected : Or if my ſelf be Actor in any Thing belonging to this Project, wherein her *Majeſty* receives diſhonour, that I may anſwer it with my Life. And yet your *Lordſhips* know, *I* am matched with thoſe in whom *I* have no particular intereſt : but *I* muſt attribute their aſſenting to me to my good hap, to take the better part. In my *Lord*, with whom *I* am joyned, *I* find ſo much honour and ſervice, as *I* doubt not but our Unity in Affection, will make an Unity in Counſel, Action and Government. *I* have troubled your *Lordſhips* with a tedious *Letter*, begun in a Day of Leiſure, and finiſhed in the midſt of our troubleſome Buſineſs. *I* pray your *Lordſhips*, pardon the Errors in it; and keep ſo honourable an Opinion of me, as *I* be not condemned by you upon any Complaints, Advertiſements, or Reports, till I have given anſwer to them. For as the nature of my Place is ſubject to envy and detraction; ſo a little body full of ſharp Humors is hardlieſt kept in Temper. And all the diſcontented *Humors* of an Army do make their greateſt Quarrel, to him that commands the *Army*; not ſo much for his faults, as for becauſe he bridles theirs. And ſo commending your good *Lordſhips* to *Gods* Divine protection, I reſt;

At your *Lordſhips* commandement,
Robert Eſſex.

To my Lord *of* Eſſex, *from Mr.* Bacon.

My ſingular good Lord,

I Will no longer diſſever part of that, which I meant to have ſaid to your *Lordſhip*, at *Barnhelmes*, from the *Exordium*, which I then made. Whereunto I will only add this; that I humbly deſire your *Lordſhip*, before you give acceeſs to my poor Advice, to look about, even jealouſly a little, if you will, and to conſider : Firſt, whether I have not reaſon to think, that your *Fortune* comprehendeth mine : Next, whether I ſhift my *Counſel* and do not *conſtare mihi*; for I am perſwaded, there are ſome would give you the ſame Counſel now, which I ſhall, but that they ſhould derogate from that, which they have ſaid heretofore : Thirdly, whether you have taken hurt, at any time, by my careful and devoted Counſel : For although, I remember well your *Lordſhip* once told me, that you having ſubmitted upon my well-meant Motion at *Nonſuch* (the place where you renewed a *Treaty*, with her *Maieſty* of obſequious kindneſs) ſhe had taken advantage of it; yet *I* ſuppoſe, you do ſince believe, that it did much attemper a cold malignant Humour, then growing upon her *Majeſty* toward your *Lordſhip*, and hath done you good in conſequence. And for being againſt it, now lately, that you ſhould not *eſtrange* your ſelf, although I give place to none in true Gratulation; yet neither do I repent me of ſafe Counſel; neither do I judge of the whole *play*, by the firſt *Act*. But whether I counſel you the beſt, or for the beſt, duty bindeth me, to offer to you my wiſhes. I ſaid to your *Lordſhip*, laſt time; *Martha, Martha, attendis ad plurima, unum ſufficit. Win the Queen*; if this be not the Beginning of

of any other course, I see no end. And I will not now speak of Favor of Affection, but of other correspondence and agreeableness: which, whensoever it shall be conjoyned with the other of affection, I durst wager my life (let them make what *Prosopopœus* they will of her *Majesties* Nature;) that in you she will come to the *Question* of; *Quid fiet Homini, quem Rex vult honorare?* But how is it now? A man of a nature not to be ruled; that hath the advantage of my Affection, and knoweth it; of an Estate not grounded to his Greatness: of a popular Reputation: of a Military Dependance: I demand, whether there can be a more dangerous Image, than this, represented to any *Monarch* living; much more to a *Lady*, and of her *Majesties* apprehension? And is it not more evident than demonstration it self, that whilest this impression continueth in her *Majesties* Breast, you can find no other condition, than inventions to keep your Estate bare and low; crossing and disgracing your Actions; extenuating and blasting of your Merit; carping with contempt at your nature and fashions; breeding, nourishing, and fortifying, such instruments, as are most Factious against you; repulses, and scorns of your Friends, and Dependants, that are true and stedfast; winning and inveigling away from you, such as are flexible and wavering; thrusting you into odious employments, and Offices, to supplant your Reputation; abusing you, and feeding you, with dalliances, and demonstrations, to divert you from descending into the serious consideration of your own Case; yea, and percase ventring you in perillous and desperate Enterprises. Herein it may please your *Lordship*, to understand me: for I mean nothing less then that these Things should be plotted, and intended, as in her *Majesties Royal* mind towards you; I know the excellency of her *Nature* too well. But I say, whersoever the formerly described impression is taken in any *Kings* Breast towards a *Subject*, these other recited inconveniences, must of necessity of politick consequence, follow; in respect of such *Instruments* as are never failing about *Princes*; which spy into their humors, and conceits, and second them; and not only second them, but in seconding encrease them: yea, and many times without their knowledge, pursue them further then themselves would. Your *Lordship* will ask the *Question*, wherewith the *Athenians* were wont to interrupt their *Orators*, when they exaggerated their dangers; *Quid igitur agendum est?*

I will tell your *Lordship*. *Quæ mihi nunc in mentem veniunt*: supposing nevertheless, that your self out of your own Wisdom upon the case, with this plainness and liberty represented to you, will find out better expedients & remedies. *I* wish a cure applied, to every of the five former *Impressions*, which I will take not in order, but as I think they are of weight.

For the removing the *Impression* of your *Nature* to be *Opiniastre* and not *Rulable*; First, and above all things *I* wish, that all matters past, which cannot be revoked, your *Lordship* would turn altogether upon insatisfaction, and not upon your *Nature*, or proper *Disposition*. This String you cannot, upon every apt occasion, harp upon too much. Next, whereas *I* have noted you to fly and avoid (in some respect justly) the resemblance or imitation of my Lord of *Leicester*, and my Lord *Chancellor Hatton*; yet I am perswaded (howsoever I wish your *Lordship*, as distant as you are from them, in Points of *Favour*; *Integrity*, *Magnanimity*, and *Merit*;) that it will do you much good between the *Queen* and you, to alledge them (as oft as you finde occasion) for Authors, and Patterns. For I do not know, a readier mean to make her *Majesty* think, you are in

your right way. Thirdly, when at any time your *Lordſhip*, upon occaſion happen in Speeches to do her *Majeſty* right (for there is no ſuch matter as flattery, amongſt you all) I fear, you handle it, *Magis in ſpeciem adornatis verbis, quam ut ſentire videaris.* So that a man may read formality in your countenance; whereas your *Lordſhip* ſhould do it familiarly, *Et oratione fidâ.* Fourthly, your *Lordſhip* ſhould never be without ſome particulars afoot, which you ſhould ſeem to purſue with earneſtneſs and affection; and then let them fall, upon taking knowledge of her *Majeſties* oppoſition and diſlike. Of which, the weightieſt Sort may be if your *Lorpſhip* offer to labour in the behalf of ſome that you favour; for ſome of the Places now voyd; chuſing ſuch a ſubject, as you think her *Majeſty* is like to oppoſe unto: And if you will ſay, that this is, *Conjunctum cum alienâ Injuriâ*; I will not anſwer; *Hæc non aliter conſtabunt*; but I ſay; commendation from ſo good a mouth, doth not hurt a man, though you prevail not. A leſs weighty ſort of particulars may be the pretence of ſome *Journeys*, which at her *Majeſties* requeſt your *Lordſhip* mought relinquiſh; as if you would pretend a *Journey*, to ſee your *Living* and *Eſtate* towards *Wales* or the like: For as for great forein *Journeys* of Employment and Service, it ſtandeth not with your gravity, to play, or Stratagem with them. And the lighteſt ſort of particulars, which yet are not to be neglected, are in your *Habits*, *Apparel*, *Wearings*, *Geſtures* and the like.

The *Impreſſion* of greateſt prejudice next, is that, of a *Militar Dependance*. Wherein, I cannot ſufficiently wonder at your *Lordſhips* courſe; that you ſay, the *Wars* are your *Occupation*; and go in that courſe: whereas, if I mought have adviſed your *Lordſhip*, you ſhould have left that *Perſon* at *Plimouth*; more than when in *Counſel* or in commending fit perſons, for ſervice for *Wars* it had been in ſeaſon. And here (my *Lord*) I pray miſtake me not. I am not to play now the part of a *Gown-man*, that would frame you beſt to mine own turn. I know what I owe you. I am infinitely glad of this laſt *Journey* now it is paſt: The rather, becauſe you may make ſo honourable a full point for a time. You have property good enough in that Greatneſs. There is none can, of many years, aſcend near you in competition. Beſides the diſpoſing of the Places, and Affairs both concerning the *Wars* (you encreaſing in other Greatneſs) will of themſelves flow to you; which will preſerve that *Dependance* in full meaſure. It is a Thing that of all things, I would have you retain the Times conſidered: And the neceſſity of the Service, for other reaſon I know none. But I ſay; keep it in ſubſtance, but aboliſh it in ſhews to the *Queen*. For her *Majeſty* loveth *Peace*. Next ſhe loveth not *Charge*. Thirdly, that kind of *Dependance* maketh a ſuſpected *Greatneſs*. Therefore, *Quod inſtat agamus*. Let that be a ſleeping honour a while; and cure the *Queens* mind in that point. Therefore again, whereas I heard your *Lordſhip* deſigning to your ſelf the *Earl Marſhals* Place, or Place of *Maſter* of the *Ordnance*, I did not in my mind ſo well like of either; becauſe of their Affinity with a *Martial Greatneſs*. But of the *Places* now void in my Judgement and diſcretion, I would name you to the place of *Lord Privy Seal*. For firſt, it is the Third Perſon of the great *Officers* of the *Crown*. Next, it hath a kind of ſuper-intendance over the *Secretary*. It hath alſo an Affinity with the *Court* of *Wards*, in regard of the *Fees* from the *Liveries*. And it is a fine Honour, quiet place, and worth a thouſand pounds by year. And my *Lord Admirals Father* had it, who was a *Martial*

tial Man. And it fits a Favorite to carry her *Majesties Image* in *Seal*, who beareth it best expressed in *Heart*. But my chief Reason is, that which I first alledged to divert her *Majesty* from this *Impression* of a *Martial Greatness*. In concurrence whereof, if your *Lordship* shall not remit any thing of your former diligence at the *Star-Chamber*; if you shall continue such intelligences as are worth the cherishing; if you shall pretend to be as *Bookish* and *Contemplative* as ever you were; all these courses have both their advantages and uses in themselves otherwise, and serve exceeding aptly to this purpose. Whereunto I add one expedient more stronger than all the rest; and for mine own confident opinion, void of any prejudice or danger of diminution of your *Greatness*; and that is, the bringing in of some *Martial* man to be of the *Council*; dealing directly with her *Majesty* in it, as for her Service and your better assistance; chusing nevertheless some person, that may be known, not to come in against you by any former division. I judge the fittest to be my *Lord Mount-joy*, or my *Lord Willoughby*. And if your *Lordship* see deeplier into it than I do, that you would not have it done in effect; yet in my opinion, you may serve your turn by the pretence of it, and stay it nevertheless.

The third *impression* is of a *Popular Reputation*; which, because it is a thing good in it self, being obtained as your *Lordship* obtaineth it, that is, *Bonis artibus*; and besides, well governed, is one of the Flowers of your *Greatness* both present and to come; it would be handled tenderly. The only way is, to quench it *Verbis* and not *Rebus*. And therefore to take all Occasions to the *Queen*, to speak against *Popularity* and *Popular Courses*, vehemently; and to taxe it in all others: But, nevertheless, to go on in your honourable *Common-wealth Courses*, as you do. And therefore, I will not advise you to cure this, by dealing in *Monopolies* or any *Oppressions*. Only, if in *Parliament* your *Lordship* be forward for *Treasure*, in respect of the *Wars*. it becometh your *Person* well. And if her *Majesty* object *Popularity* to you at any time, I would say to her; a *Parliament* will shew that; and so feed her with Expectation.

The fourth *Impression*, of the inequality, between your *Estate* of *Means* and your *Greatness* of *Respects*, is not to be neglected. For believe it (my *Lord*) that till her *Majesty* find you careful of your *Estate*, she will not only think you more like to continue chargeable to her, but also have a conceit that you have higher imaginations. The *Remedies* are; First, to profess it in all speeches to her. Next, in such Sutes wherein both honour, gift and profit, may be taken to communicate freely with her *Majesty*, by way of enducing her to grant, that it will be this benefit to you. Lastly, to be plain with your *Lordship*; for the *Gentlemen* are such, as I am beholding to;) nothing can make the *Queen* or the *World* think so much that you are come to a provident care of your Estate, as the altering of some of your *Officers*: who though they be as true to you, as one hand to the other; yet *Opinio Veritate major*. But if, in respect of the *Bonds*, they may be entred into for your *Lordship*, you cannot so well dismis your self of them, this cannot be done, but with *Time*.

For the *Fifth* and last, which is of the advantage of a *Favorite*: As severed from the rest it cannot hurt; so joyned with them it maketh her *Majesty* more fearful and showdowy, as not knowing her own strength. The only Remedy to this, is; to give way to some other *Favorite* as in particular you shall find her *Majesty* enclined; so as the Subject hath no ill, nor dangerous aspect towards your self. For otherwise, whosoever shall

ſhall tell me, that you may not have ſingular uſe of a *Favorite* at your devotion; I will ſay, he underſtandeth not the *Queens Affection*, nor your *Lordſhips Condition*. And ſo I reſt.

October 4. 1596.

To Sir Robert Cecil.

Sir,

I Forbear not to put in Paper, as much as I thought to have ſpoken to your *Honour* to day, if I could have ſtayed; knowing, that if your honour ſhould make other uſe of it, than is due to good meaning; and then I am perſwaded you will; yet to perſons of Judgment, and that know me otherwiſe, it will rather appear (as it is) a preciſe honeſty, and this fame, *Suum cuique tribuere*, than any hollowneſs to any. It is my luck ſtill to be a kin to ſuch things as I neither like in nature; nor would willingly meet with in my courſe; but yet cannot avoid, without ſhew of baſe timourouſneſs, or elſe of unkind, or ſuſpicious ſtrangeneſs.

Some *Hiatus* in the Copy.

And I am of one Spirit ſtill. I ever liked the *Galeniſts* that deal with good compoſitions; and not the *Paracelſians*, that deal with theſe fine *Separations*: And in *Muſick*, I ever loved eaſie Ayres that go full all the parts together; and not theſe ſtrange points of Accord and Diſcord. This I write not, I aſſure your *Honour* officiouſly; except it be according to *Tullies Offices*; that is, *Honeſtly* and *Morally*. For though, I thank *God*, I account upon the proceeding in the *Queens* Service, or not proceeding both ways; and therefore neither mean to fawn nor retire; yet I naturally deſire good opinion with any perſon, which for Fortune or Spirit is to be regarded; much more with a *Secretary* of the *Queens* and a *Couſin-German*; and one, with whom I have ever thought my Self to have ſome ſympathy of nature, though accidents have not ſuffered it to appear. Thus not doubting of your *Honourable* interpretation, and uſage of that I have written, I commend you to the Divine preſervation. From *Grayes-Inn*.

To my Lord *of* Eſſex.

It may pleaſe your good Lordſhip,

I Pray *God* her *Majeſties* weiging be not like the weight of a Ballance; *Gravia deorſum, Levia ſurſum*. But I am as far from being altered in devotion towards her; as I am from diſtruſt, that ſhe will be altered in opinion towards me, when ſhe knoweth me better. For my ſelf I have loſt ſome *Opinion*, ſome *Time*, and ſome *Means*; this is my account: But then, for *Opinion* it is a blaſt that goeth and cometh; for *Time*, it is true, it goeth and cometh not; but yet I have learned, that it may be redeemed.

For *Means, I value that moſt*: and the rather, becauſe I am purpoſed, not to follow the *Practice* of the Law: If her *Majeſty* command me in any

any particular, I ſhall be ready to do her willing Service;) and my reaſon is only, becauſe it drinketh too much time, which I have dedicated to better purpoſes. But even, for that point of *Eſtate* and *Means*, I partly lean to *Thales* opinion; *That a Philoſopher may be rich, if he will.* Thus your *Lordſhip* ſeeth, how I comfort my ſelf: To the encreaſe whereof, I would fain pleaſe my ſelf to believe that to be true, which my Lord *Treaſurer* writeth; which is, that it is more than a *Philoſopher* morally can digeſt. But without any ſuch high conceit, I eſteem it, like the pulling out of an aking Tooth, which I remember, when I was a Child, and had little *Philoſophy*, I was glad of, when it was done. For your *Lordſhip*, I do think my ſelf more beholding to you than to any Man. And I ſay, I reckon my ſelf as a *Common*; (not Popular, but *Common*;) and as much as is lawful to be encloſed of a *Common*; ſo much your *Lordſhip* ſhall be ſure to have.

Your *Lordſhips*, to obey your honourable Commands, more ſetled than ever.

To my Lord *of* Eſſex.

My ſingular good Lord,

Your *Lordſhips* ſo honourable minding my poor *Fortune* the laſt year, in the very entrance into that great Action, (which is a time of leſs leiſure;) and in ſo liberal an allowance of your Care, as to write three Letters to ſtir me up Friends in your abſence; doth, after a ſort, warrant me not to object to my ſelf your preſent quantity of affairs, whereby to ſilence my ſelf from Petition of the like favour. I brake, with your *Lordſhip*, my ſelf at the *Tower*; and *I* take it my *Brother*, hath ſince renewed the ſame motion; touching a fortune, I was in thought to attempt, *in Genere Oeconomico. In Genere Politico*, certain croſs winds have blown contrary. My ſute to your *Lordſhip* is for your ſeveral *Letters* to be left with me, dormant, to the *Gentlewoman*, and either of the *Parents*. Wherein I do not doubt, but as the beams of your favour have often diſſolved, the coldneſs of my fortune; ſo in this argument, your *Lordſhip* will do the like with your Pen. My deſire is alſo, that your *Lordſhip* would vouchſafe unto me, as out of your care a general *Letter* to my *Lord Keeper*, for his *Lordſhips* holding me, from you recommended; both in the courſe of my *Practice*, and in the courſe of my Employment, in her *Majeſties* Service. Wherein, if your *Lordſhip* ſhall in any *Antitheſis* or *Relation*, affirm that his *Lordſhip* ſhall have no leſs fruit of me than of any other, whom he may cheriſh, I hope, your *Lordſhip* ſhall engage your ſelf for no Impoſſibility. Laſtly and chiefly, I know not whether I ſhall attain to ſee your *Lordſhip* before your *Noble Journey*: For *Ceremonies*, are things infinitely inferiour to my love and to my zeal. This let me, with your allowance, ſay unto you by Pen. It is true, that in my well meaning advices, out of my love to your *Lordſhip*, and perhaps out of the ſtate of mine own mind, I have ſometimes perſwaded a courſe differing: *Ac tibi pro tutis inſigna facta placebunt*: Be it ſo: yet remember, that the ſigning of your name, is nothing unleſs it be to ſome good *Patent* or *Charter*, whereby your *Country* may be endowed with Good and Benefit. Which I ſpeak, both

both to move you to preſerve your *Perſon*, for further merit and ſervice of her *Majeſty* and your *Country*, and likewiſe, to refer this *Action* to the ſame end. And ſo, in moſt true, and fervent prayers, I commend your *Lordſhip* and your work in hand, to the perſervation, and conduct of the *Divine Majeſty*; ſo much the more watchful, as theſe actions do more manifeſtly in *ſhew*, though alike in *Truth*, depend upon his *Divine Providence*.

To my Lord *of* Canterbury.

It may pleaſe your Grace,

I Have conſidered the *Objections*, peruſed the *Statutes* and framed the *Alterations*; Which I ſend, ſtill keeping my ſelf within the Brevity of a *Letter* and Form of a *Narration*; not entring into a form of Argument or Diſputation: For, in my poor conceit, it is ſomewhat againſt the *Majeſty* of *Princes* Actions, to make too curious and ſtriving *Apologies*; but rather to ſet them forth plainly; and ſo as there may appear an Harmony and Conſtancy in them, ſo that one part upholdeth another. And ſo I wiſh your Grace all proſperity. From my poor Lodging, this, *&c.*

Your *Graces*, moſt dutiful,
Pupil and *Servant*.

To my Lord *of* Eſſex.

My ſingular good Lord,

THe Meſſage it pleaſed your *Lordſhip* to ſend me, was to me delivered doubtfully. Whether your *Lordſhip* ſaid, you would ſpeak with me at the *Star-Chamber*, or with Mr. *Philip*. If with me, it is needleſs; for gratitude impoſeth upon me ſatisfaction: If with Mr. *Philip* it will be too late; becauſe ſomewhat muſt (perchance) be done that day. This doubt not ſolved, maketh me write again; the rather, becauſe I did liberally, but yet privately affirm your *Lordſhip* would write; which if I make not good, it may be a diſcouragement. Your *Lordſhips letter*, though it have the Subject of Honour and Juſtice, yet it ſhall have the ſecrecy of a thing done upon Affection. I ſhall ever in a firm duty, ſubmit my occaſions, though great to your *Lordſhips* reſpects though ſmall: And this is my reſolution; that when your *Lordſhip* doth for me, you ſhall encreaſe my *Obligation*; when you refuſe to do for me, you ſhall encreaſe my *Merit*. So leaving the matter wholly to your *Lordſhips* pleaſure, I commend your *Lordſhip*, to the preſervation of the *Divine Majeſty*. From *Grayes-Inn*.

Your *Lordſhips* ever moſt humbly bounden.

A

CONFESSION OF THE FAITH.

WRITTEN,

By the Right Honourable

FRANCIS BACON,

Baron of Verulam, *&c.*



I Believe, that Nothing is without beginning, but *God:* No *Nature*, no *Matter*, no *Spirit*, but one, only, and the ſame *God*. That *God*, as he is Eternally Almighty, Only Wiſe, Only Good, in his *Nature*; So he is Eternally *Father*, *Son*, and *Spirit*, in *Perſons*.

I believe, that *God* is ſo *Holy*, *Pure*, and *Jealous*, as it is impoſſible for him, to be pleaſed in any *Creature*, though the *Work* of his own *Hands:* So that neither *Angel*, *Man*, nor *World*, could ſtand, or can ſtand, one moment in his Eyes, without beholding the ſame in the face of a *Mediatour*: And therefore, that before *Him*, with whom all Things are preſent, the *Lamb* of *God*, was ſlain before all *Worlds:* Without which eternal Counſel of his, it was impoſſible for *Him* to have deſcended to any Work of *Creation*; But He ſhould have enjoyed the Bleſſed and Individual Society of *three Perſons*, in *Godhead*, for ever.

But that, out of his Eternal and infinite *Goodneſs* and *Love*, purpoſing to become a *Creatour*, and to communicate to his *Creatures*, He ordained,

in his Eternal Counsel, that one *Person* of the *Godhead*, should be united to one *Nature*, and to one particular of his *Creatures*; That so, in the *Person* of the *Mediatour*, the true Ladder mought be fixed; whereby *God* mought descend to his *Creatures*, and his *Creatures* mought ascend to *God*: So that *God*, by the Reconcilement of the *Mediatour*, turning his Countenance towards his *Creatures* (though not in equal Light and Degree) made way unto the Dispensation of his most holy and secret Will; whereby some of his *Creatures* mought stand, and keep their state; Others mought (possibly) fall and be restored; And others mought fall, and not be restored to their Estate, but yet remain in *Being*, though under Wrath and Corruption; All with respect to the *Mediatour*: Which is the great *Mystery*, and perfect *Center*, of all *Gods* wayes with his *Creatures*; And unto which, all his other *Works* and *Wonders* do but serve and refer.

That he chose (according to his good pleasure) *Man* to be that *Creature*, to whose *Nature*, the *Person* of the Eternal *Son* of *God*, should be united: And amongst the *Generations* of *Men*, elected a small *Flock*, in whom (by the participation of *Himself*) He purposed, to express the *Riches* of his *Glory*; All the Ministration of *Angels*, Damnation of *Devils* and *Reprobates*, and Universal Administration of all *Creatures*, and Dispensation of all Times, having no other end, but as the wayes and *Ambages* of *God*, to be further glorified in his *Saints*; who are one with their *Head* the *Mediatour*, who is one with *God*.

That by the Vertue of this his Eternal Counsel, he condescended of his own good pleasure, and according to the Times and Seasons to himself known, to become a *Creatour*; And by his Eternal *Word*, created all things, And by his Eternal *Spirit*, doth comfort and preserve them.

That he made all Things, in their first Estate *Good*; And removed from himself, the beginning of all Evil and Vanity, into the Liberty of the *Creature*; But reserved in himself, the beginning of all *Restitution*, to the Liberty of his *Grace*: Using nevertheless, and turning the Falling and Defection of the *Creature* (which to his *Prescience* was eternally known) to make way to his eternal Counsel, touching a *Mediatour*, and the Work he purposed to accomplish in *Him*.

That God created *Spirits*, whereof some kept their standing, and others fell. He created *Heaven* and *Earth*, and all their *Armies*, and *Generations*; And gave unto them, constant and everlasting *Lawes*, which we call *Nature*; which is nothing but the *Lawes* of the *Creation*; which *Lawes* nevertheless, have had three *Changes* or *Times*; and are to have a Fourth, or *last*. The First; when the *Matter* of *Heaven* and *Earth*, was created without *Forms*: The Second, the *Interim* of *Perfection*, of every *Dayes work*: The Third, by the *Curse*; which notwithstanding, was no new *Creation*: And the Last, at the End of the *World*, the Manner whereof is not yet fully revealed: So as the *Lawes* of *Nature*, which now remain and govern inviolably, till the end of the *World*, began to be in force, when *God* first rested from his *Works*, and ceased to create; But received a Revocation, in part, by the *Curse*; Since which Time, they change not.

That notwithstanding, *God* hath rested and ceased from *Creating*, since the first *Sabbath*, yet nevertheless, he doth accomplish and fulfil his Divine Will in all Things, great and small, singular and general, as fully and exactly by *Providence*, as he could by *Miracle*, and new Creation; though

though his working be not immediate and direct, but by compass; Not violating *Nature*, which is his own *Law*, upon the *Creature*.

That at the first, the *Soul* of *Man* was not produced by *Heaven* or *Earth*, but was breathed immediately from *God*: So that the waves and proceedings of *God* with *Spirits*, are not included in *Nature*; That is, in the *Lawes* of *Heaven* and *Earth*; But are reserved to the Law of his secret Will, and Grace; wherein God worketh still, and resteth not from the work of *Redemption*, as he resteth from the Work of *Creation*. But continueth working, till the end of the World: What time, that *Work* also shall be accomplished, and an eternal *Sabbath* shall ensue. Likewise, that whensoever God doth transcend the Law of *Nature* by *Myracles* (which may ever seem as new *Creations*) He never cometh to that point or pass, but in regard of the work of *Redemption*, which is the greater, and whereto all *Gods Signes and Miracles* do refer.

That *God* created *Man* in his own *Image*, in a *Reasonable Soul*, in *Innocency*, in *Free will*, and in *Soveraignty*: That he gave him a *Law* and *Commandement*, which was in his power to keep, but he kept it not: That *Man* made a total defection from *God*, presuming to imagine, that the Commandements and Prohibitions of *God*, were not the Rules of Good and Evil; but that Good and Evil had their own principles and beginnings: And lusted after the knowledge of those imagined beginnings; to the end, to depend no more upon Gods will revealed, but upon himself and his own Light, as a God: than the which, there could not be a Sin more opposite, to the whole Law of *God*. That yet nevertheless, this great Sin was not originally moved by the Malice of Man, but was insinuated by the Suggestion and Instigation of the Devil; who was the First *Defected Creature*; and fell of Malice, and not by Temptation.

That upon the *Fall* of Man, Death and Vanity enter'd by the *Justice* of God; and the Image of God in Man, was defac'd; and *Heaven* and *Earth*, which were made for Mans use, were subdued to Corruption by his *Fall*; But then that instantly, and without intermission of Time, after the *Word* of Gods Law, became through the *Fail* of Man, frustrate as to obedience, there succeeded the greater *Word* of the *Promise*; that the *Righteousness* of God, mought be wrought by *Faith*.

That as well the Law of God, as the *Word* of his *Promise*, endure the same for ever: But that they have been revealed in several manners, according to the dispensation of Times. For the Law was first imprinted, in that Remnant of Light of *Nature*, which was left after the *Fall*, being sufficient to accuse: Then it was more manifestly expressed in the Written Law; And was yet more opened, by the *Prophets*: And lastly, expounded in the true perfection, by the *Son* of *God* the great *Prophet*, and perfect *Interpreter*, as also *Fulfiller* of the Law: That likewise, the *Word* of the *Promise* was manifested and revealed; First, by immediate *Revelation* and *Inspiration*; After by *Figures*, which were of two *Natures*: The one, the *Rites* and *Ceremonies* of the Law; The other the continual History of the *Old World*, and *Church* of the *Jewes*, which though it be *literally* true, yet is it pregnant of a perpetual *Allegory*, and *shadow* of the *Work* of the *Redemption*, to follow. The same *Promise* or *Evangile*, was more clearly revealed, and declared by the *Prophets*; and then by the *Son* himself; And lastly, by the *Holy Ghost*, which illuminateth the *Church*, to the end of the *World*.

That in the *Fulneſs of Time*, according to the *Promiſe* and *Oath* of a *choſen Lignage*, deſcended the bleſſed *Seed* of the Woman, *Jeſus Chriſt*, the only begotten *Son* of God, and *Saviour* of the *World:* who was conceived by the Power, and Over-ſhadowing of the *Holy Ghoſt*; And took *Fleſh* of the *Virgin Mary:* That the *Word* did not only take *Fleſh*, or was joyned to *Fleſh*, but was made *Fleſh*, though without *Confuſion* of *Subſtance*, or *Nature*; So as the Eternal *Son* of God, and the ever-bleſſed *Son* of *Mary*, was one *Perſon*; So one, as the *Bleſſed Virgin*, may be truly and Catholickly called, *Deipara*, the *Mother of God:* So one, as there is no Unity in *Univerſal Nature*, not that of the *Soul* and *Body* of *Man*, ſo perfect: For the three Heavenly *Unities* (whereof that is the ſecond) exceed all Natural *Unities*: That is to ſay; The *Unity* of the three *Perſons* in *God head*; The *Unity* of *God* and *Man*, in *Chriſt*; And the *Unity* of *Chriſt* and the *Church*; the *Holy Ghoſt* being the *Worker* of both theſe latter *Unities*; For by the *Holy Ghoſt* was *Chriſt Incarnate*, and quickned in *Fleſh*; And by the *Holy Ghoſt*, is Man regenerate, and quickned in *Spirit*.

That *Jeſus*, the *Lord*, became in the fleſh a *Sacrificer*, and a *Sacrifice* for *Sin*; A *ſatisfaction* and *price* to the *Juſtice* of *God*; A *Meriter* of *Glory*, and the *Kingdom*; A *pattern* of all *Righteouſneſs*; a *Preacher* of the *Word* which *Himſelf* was; a *Finiſher* of the *Ceremony*; a *Corner ſtone*, to remove the ſeparation between *Jew* and *Gentile*; An *Interceſſour* for the *Church*; a *Lord* of *Nature* in his *Miracles*; a *Conquerer* of *Death*, and the *power of Darkneſs*, in his *Reſurrection*; and that he fulfilled the whole Counſel of *God*; performing all his Sacred Offices, and *Anointing* on *Earth*; accompliſhed the whole Work of the *Redemption*, and Reſtitution of *Man*, to a ſtate, ſuperiour to the *Angels*; (whereas the ſtate of *Man*, by Creation was inferiour) and reconciled and eſtabliſhed all things, according to the Eternal Will of the *Father*.

That in time, *Jeſus* the *Lord* was born, in the dayes of *Herod*; and ſuffered under the Government of *Pontius Pilate*, being *Deputy* of the *Romans*; and under the *High Prieſthood* of *Caiaphas*; And was betrayed by *Judas* one of the twelve *Apoſtles*, and was crucified at *Hieruſalem*; and after a true and natural *Death*, and his *Body* layed in the *Sepulchre*, the third day He raiſed Himſelf from the Bonds of *Death*, and aroſe and ſhewed Himſelf to many *choſen Witneſſes*, by the ſpace of divers dayes; and at the end of thoſe dayes, in the ſight of many, aſcended into *Heaven*; where he continueth his *Interceſſion*: And ſhall from thence at the day appointed, come in greateſt glory, to judge the *World*.

That the *Sufferings* and *Merits* of *Chriſt*, as they are ſufficient, to do away the *Sins* of the whole *World*; ſo they are only effectual to thoſe which are *Regenerate* by the *Holy Ghoſt:* Who breatheth where he *will*, of *Free Grace*; which *Grace*, as a *Seed Incorruptible*, quickneth the *Spirit* of *Man*; and conceiveth him anew a *Son* of *God*, and *Member* of *Chriſt:* So that *Chriſt*, having *Mans Fleſh*, and *Man* having *Chriſts Spirit*, there is an open Paſſage, and Mutual Imputation, whereby *Sin* and *Wrath*, was conveyed to *Chriſt*, from *Man*; and *Merit* and *Life* is conveyed to *Man*, from *Chriſt:* Which *Seed of the Holy Ghoſt*, firſt figureth in us, the *Image of Chriſt* ſlain or crucified, through a lively Faith: And then reneweth in us the *Image of God*, in *Holineſs*, and *Charity*; though both imperfectly, and in degrees far differing, even in *Gods Elect*; As well, in regard, of the *Fire* of the *Spirit*, as of the *Illumination* thereof; which is more or leſs, in a large proportion: As namely, in the *Church* before *Chriſt*; which yet

yet nevertheleſs, was partaker of one, and the ſame Salvation with us. And of one and the ſame means of Salvation, with us.

That the *Work of the Spirit*, though it be not tied to any *Means* in *Heaven* or *Earth*, yet it is ordinarily diſpenſed by the *Preaching of the Word* The *Adminiſtration of the Sacraments*, the *Covenants of the Fathers* upon the *Children*; *Prayer*; *Reading*; The *Cenſures* of the *Church*; The *Society* of the *Godly*; The *Croſs*, and *Affictions*; Gods *Benefits*; His *Judgements* upon *others*; *Miracles*; The *Contemplation* of his *Creatures*; All which (though ſome be more principal) God uſeth as the *Means of Vocation*, and *Converſion* of his *Elect*; Not derogating from his power, to call immediately by his *Grace*; and at all *Hours* and *Moments* of the *Day* (that is, of *Mans Life*) according to his good pleaſure.

That the *Word* of God, whereby his *Will* is revealed, continued in *Revelation* and *Tradition* until *Moſes*; And that the *Scriptures* were from *Moſes* time, to the times of the *Apoſtles* and *Evangeliſts*; In whoſe *Age*, after the comming of the *Holy Ghoſt*, the *Teacher* of all *Truth*, the *Book* of the *Scriptures* was ſhut and cloſed, ſo as not to receive any new Addition; And that the *Church* hath no power over the *Scriptures*, to *teach*, or *command* any thing contrary to the *written Word*; But is as the *Ark* wherein the *Tables* of the firſt *Teſtament*, were kept and preſerved; That is to ſay, The *Church* hath only the *cuſtody*, and *delivery* over of the *Scriptures*, committed unto the ſame; Together with the *Interpretation* of them, but ſuch only as is conceived from themſelves.

That there is an *Univerſal* or *Catholick Church of God*, diſperſed over the face of the *Earth*, which is *Chriſts Spouſe*, and *Chriſts Body*; Being gathered of the *Fathers* of the *old World*, of the *Church* of the *Jews*, of the *Spirits* of the *Faithful Diſſolved*, and the *Spirits* of the *Faithful Militant*, and of the *Names* yet to be born, which are already written in the *Book of Life*. That there is alſo a *Viſible Church*, diſtinguiſhed by the outward Works of Gods Covenant, and the receiving of the *Holy Doctrine*, with the Uſe of the *Myſteries of God*, and the *Invocation* and *Sanctification* of his *Holy Name*. That there is alſo an *holy Succeſſion*, in the *Prophets* of the *New Teſtament*, and *Fathers of the Church*, from the time of the *Apoſtles* & *Diſciples*, which ſaw our *Saviour in the fleſh*, unto the *conſummation of the Work of the Miniſtry*, which *perſons* are called from *God* by *gift*, or *inward Anointing*; and the *Vocation* of *God*, followed by *an outward Calling*, and *Ordination of the Church*.

I believe, that the *Souls* of ſuch as dye in the *Lord*, are bleſſed, and *reſt* from their *Labours*, and enjoy the *ſight of God*; yet ſo, as they are in Expectation of a further *Revelation* of their *Glory*, in the laſt *Day*. At which time, all *Fleſh* of *Man* ſhall ariſe and be changed, and ſhall appear, and receive from *Jeſus Chriſt*, his *Eternal Judgement*; And the *Glory* of the *Saints* ſhall then be *full*; And the *Kingdom*, ſhall be given up to *God* the *Father*: From which Time all things ſhall continue for ever in that Being, and State, which then they ſhall receive: So as there are three *Times* (if Times they may be called) or parts of Eternity. The firſt, the *Time* before beginnings, when the *Godhead* was only, without the Being, of any *Creature*; The Second, the *Time* of the *Myſtery*, which continueth from the *Creation*, to the *Diſſolution* of the *World*: And the Third, the *Time* of the *Revelation* of the *Sons* of *God*; which Time is the laſt, and is Everlaſting without change.

FINIS.

A Perfect *List* of his *Lordships* true *Works*, both in *English*, and *Latin*.

In English.

AN *Apology* touching the Earl of *Essex*.
The *Elements* of the *Common Laws* of *England*.
Advancement of *Learning*.
Essayes: with the *Colours* of *Good*, and *Evil*.
Charge against *Duels*.
His Charge at the Sessions holden for the *Verge*, in the Reign of the late King *James*, declaring the Latitude of the Jurisdiction thereof.
History of the *Reign* of King *Henry* the Seventh.
Counsels, Civil and Moral. Or the *Essayes*, revised and enriched.
Translation of certain *Psalms* into Verse.
The *Natural History*; with the Fable of the *New Atlantis*.
Miscellany Works, containing,
- A Discourse of a War with *Spain*.
- A *Dialogue*, touching an *Holy War*.
- A *Preface*, to a *Digest* of *Laws*.
- The *Beginning* of the *History* of King *Henry* the Eighth.

History of *Life* and *Death*, translated into *English*.
De Augmentis Scientiarum, translated into *English*, by Doctour *Gilbert Watts* of *Oxford*.
This present Volume, with the Particulars contained in the same.

In Latin.

De Sapientia Veterum.
Instauratio Magna.
Historia Ventorum.
Historia Vitæ & Mortis.
De Augmentis Scientiarum.
Historia Regni Henrici Septimi, Regis Angliæ.
Sermones Fideles, sive *Interiora Rerum*.
Dialogus de *Bello Sacro*.
Nova Atlantis.
Historia Naturalis, versa, & evulgata, operâ, & curâ, *Jacobi Gruteri*.
Opera Philosophica, & alia, nondum, sed propediem (*Deo favente*) *Typis* mandanda.

As for other *Pamphlets*, whereof there are several put forth under his *Lordships* Name, they are not to be owned for His.

THE SECOND

PART

OF THE

Resuscitatio

OR A

COLLECTION

Of several pieces of the

WORKS

Of the Right Honourable FRANCIS BACON,
Baron of Verulam, and Viscount of *St. Albans*.

Some of them formerly Printed in smaller Volumes, and being almost lost, are now Collected and put into Folio, with some of his other Pieces, which never yet was published.

COLLECTED

By *William Rawley* Doctor of Divinity, his Lordships first and last Chaplain, and lately Chaplain in Ordinary to his Majesty.

LONDON,

Printed by *S. G.* & *B. G.* for *William Lee*, and are to be sold at the sign of the Turks-Head in *Fleet-street*, over against *Fetter-Lane*, 1670.

TO THE

KING'S

Most Excellent Majesty.

Most Royal Sir.

AS much as the dignity of a King transcenas the subject, is the obligation of the subject to the King; neither is the duty less we owe to the safety of our Soveraigne, than the safe guard we challenge in his protection; as the center next under God, from which we derive our honours, and to which we owe our services; of this duty, the learned Author your Royal Grand-father, and Father's trusty Servant was not ignorant, neither was his knowledge better tutored than his industry, the same hand of Kingly munificence which dispenced him his honours, pointed him out the lines of his most excellent labours; the dispersed flowers of which are here humbly offered up to your Royal protection; with an humble confidence and assurance, that time which hath seen the rise and fall of so many famous Kingdomes, the invention and decay of so many learned labours, the erection and defacing of so many stately Trophies: time, which in her vast Gulph, hath not only swallowed up Antiquity, but for the most part envied her History, will yet under your

Royal wings preſerve the name and memories of the learned Bacon *to all poſterity, the ſame being the hearty deſire of*

Your Majeſties

moſt humble and moſt loyal

Subject and Servant

CHARLES MOLLOY.

TO

TO THE

READER.

COmmon censure hath stampt it for a currant Proverb, that it is better for a man to be *fortunate* than *wise*, for worldly wisdome, though she seem always to fawn on fortune, yet can never command, and seldome intreate her service: It hath been thought the pride and priviledge of that power we call fortune to bestow her best favours, where she finds least worth to crown folly, and cross wisdome, to make fools happy, and the wise unfortunate, as a Queen she is supposed to shew her greatest Majesty in mans weakness, to pity sloth and envy industry, as most jealous, lest mans wit or endeavours should challenge any part in her *Prerogative*: But he that knows wisely to Arbitrate betwixt the clouds of Pagan ignorance, and the clear sun-shine of Christianity, betwixt *Poetick* fancies and *Prophetical* visions, shall find vulgar opinion only mistaken in the name, ascribing that transcendent power of disposing of worldly actions to a Deity which they call *Fortune*, which Christianity might have taught them more properly to have termed *Providence*, and howsoever they have bounded her large Empire beyond their own reason, yet Christianity hath travailed much farther, and yet can prescribe no limits, as that which transcends

into

into an Infinite, and out-reaching the eye of all discovery, and though no place hath been found so base in the Theater of Nature or Civil Actions, wherein *Providence* cannot shew the abundant Trophees of her magnificence; yet there desires she to triumph most, where to men she seems to have least power; *Her* chiefest glory is to set up her Ensigns on the gates of mans wisdome, and tread on the neck of worldly policy. No marvel then that in our learned *Author*, in whom neither *Philosophy* could add, or reason dictate more, whom neither wisdome could encrease, or affliction diminish, only *Providence* could challenge a Jurisdiction, his Eminent *Parts* subjecting him to the detraction of his Enemies, whose malice soon Eclipst his Glories, and laid his honours and virtues bleeding in the dust. Those whom neither the Sword could Conquer, nor Treason Undermine, whom neither pleasure could allure, nor riches perswade, nor greatness tempt to the least dishonour, only envy and malice could bring into subjection, as the cursed *Hand*-maids that providence permits (but not allows) to humble our greatness and aspiring thoughts; And although dispaire is an Infirmity in mans nature, rather deserving mens pity than indignation, A Child it is whom the sence of misfortunes begets on great spirits, which no sooner beholds the light, but covets darkness, as if it made no more use of life, then to instruct him the next way to death; yet when the sad cloud of Royal-frown lay hovering over his Lordships head, entered not that accursed infirmity into his most excellent breast, nor in that bottomless pit wherein no passenger could cast Anchor finds he himself plung'd, nor as one arrested by deaths immediate Sergeant, prepares he for his next appearance, no thoughts of better dye once than fear always, and shut up all mischeifs in one death, than spin out life in many misfortunes. And though to live at another mans benevolence seems the smallest priviledge of a Subject, and to dye at his own command the greatest *Prerogative* of a King, yet a base *Heads*-man shall not share so great a glory, as the Chopping of a *Head* enriched with so much policy and wisdome, but rather Justice her self shall seem to entreate no other hands in his stately execution then

his

his Royal Master's mercy; which he no sooner besought but obtained, and then with a head filled up to the brim, as well with sorrow as wisdome, and covered and adorned with gray hairs, made a holy and humble retreat to the cool shades of rest, where he remained triumphant above fate and fortune, till heaven was pleased to summon him to a more glorious and triumphant rest: Nor shall his most excellent pieces part of which though dispersed and published at several times in his life time, now after his death lie buried in oblivion, but rather survive time, and as Incence smell sweet in the nostrils of posterity; this was the pious care of Doctor *Rawleigh* his Lordships first and last Chaplain, who having the custody of all his Manuscripts, did intend so to pay the last tribute of his faithful service to his dear Masters memory, and in order to which those most excellent pieces of his Lordships *Natural History* and *Resuscitation*, both first and second Impression, he both carefully and faithfully look'd over, before he committed them to the Press, were by the great diligence and industry of Master *Leigh*, they suffered almost no worse fate, being publish'd not with above two literal faults; and then being desirous that all other of his Lordships pieces that were extant in *Quarto*, *Octavo*, and *Twelves*, might be so Reprinted, as to be reduct (together with what other Manuscripts were yet conceall'd from the eye of the world) into one Folio Volume; but death preventing his eyes from beholding the accomplishment of so good a design; The structure remained unfinished, but those to whom the memory of the learned *Author* remains as a pretious Ointment, would never behold so great a general good lie neglected, and therefore what of those pieces that could be collected and got together, and that were beginning to espouse dust by the hand of Envious Time, you have here united into one body, and if any of his other *Pieces* or *Manuscripts* should by any accident arrive into those hands, that will make it their business to be in the enquest of them, such care will be taken to have them so Printed, as capable of being Bound up (if occasion serves) with all or any of his other *Works* extant in Folio: It being his desire, that such excellent pieces might be

pre-

preſerved an Eternal Monument to future Ages, who is his Lordſhips Admirer,

and your humble Servant,

CHARLES MOLLOY.

The Stationer to the Reader.

THis Second Part of Resuscitatio was collected and designed by that learned Divine, Doctor William Rawley, his Lordships first and last Chaplain who out of his pious zeal in the preserving his good Lord, and Masters Works took great care and pains in searching all likely Places, and studies for such of his Works as had escaped his Hands, that he might link them together, as in one chain, to prevent envious time of robbing the World of one jot of that Treasure, which his Lordship bequeathed. In order thereunto my small assistance the Doctor desired (I having the honour of being intimately acquainted with him) in inquiring after them, amongst my Acquaintance and sending them to him to peruse, which he carefully aid that his Lordships name might not be dishonoured by patronizing other Mens Works: Divers pieces he obtained, which he much importuned me (both by word of mouth and divers Letters) to print in Folio, but finding them to be too little in Bulke for a second Part, it was deferred until he had received other pieces, which he was then promised: But being arrived to a good Old Age, Death conducted him to joyn with his Master in praising the great Lord of all, which prevented the finishing of this his last temporal duty to his temporal Lord. Since which time they are faln into my hands, who being willing to discharge the Trust reposed in me by the late Doctor, have here presented them to you in a compleat Volumn, which I will not presume to commend otherwise than the true Works of Francis Lord St. Alban.

There is bound at the end of this Volumn a little Tract being a Brief Discourse touching the Office of Lord Chancellor of England, written by the Learned John Selden of the Inner-Temple Esq; and Dedicated by him to Sir Francis Bacon, Lord Keeper of the Great Seal of England, together with a Catalogue of Lord Chancellors and Lord Keepers of the Great Seal of England from the Norman Conquest until this present year, 1671 by William Dugdale, Esq; Norroy King of Arms: Which I do not own to be my Lords, but being pertinent to his Works, I have bound it with a blanke leaf to separate it from his lordships Works.

W. Lee.

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A

A

PREPARATORY

TO THE

HISTORY

Natural & Experimental.

WRITTEN

Originally in Latine, by the Right Honourable *Francis* Lord *Verulam*, Lord High Chancellour of *England*, and now faithfully rendred into Engliſh.

By a Well-wiſher to his Lordſhips Writings.

LONDON,

Printed by *Sarah Griffing* and *Ben. Griffing*, for *William Lee* at the *Turks-head* in *Fleet-ſtreet*, over againſt *Fetter-Lane*, 1670.

THE TRANSLATOR TO THE READER.

HAving taken notice of the ſcandal and reproach, which my Author, The Great Maſter of Nature, his moſt excellent and incomparable piece, called The Sylva Sylvarum, or Natural Hiſtory, being (as hitherto it hath been) Printed without this Preparatory, lies daily liable unto, by reaſon of the Ignorance of the Vulgar, who, not underſtanding the moſt rare intention of its Noble Author, are apt to eſteem it as a Light and Trivial Work; * becauſe therein there are contained ſeveral experiments of no extraordinary uſe in themſelves: I knew not how better to vindicate his Noble Lordſhips Honour and Credit in this point, than to Prefix before it, his Lordſhips own Preparatory thereunto, which of it ſelf will ſufficiently maintain its Authors Credit, and will demonſtrate his true Intention in the Compiling thereof, and ſo vindicate it ſelf from that Ignominy, to which it before ſtood obnoxious. It is true, that worthy Doctor Rawley, (to whom the world is in no ſmall degree a debtor, as well for the bringing to light and publiſhing of this rare Hiſtory, and many other of his Lordſhips excellent works, as for explaining and expounding ſeveral of them) has, in his Preface thereunto, made known much of his learned Lordſhips intentions touching the ſame (which this Preparatory will in no wiſe prejudice. 'But yet I think it cannot be denied, but that his Lordſhip hath expreſſed his own mind more fully, and poſitively in this his Preparatory; and beſides, that men will be apt curſorily to run over a Preface to the Reader, minding more the Work it ſelf; whereas they will be invited more to ponder and conſider a Preparatory, as that which will fit them for the

* See Aphor. following.

better understanding of the following Work. Receive then now Courteous Reader, that unparalelled Peice of his Lordships, and look upon it with an other eye than formerly, and consider the things therein contained not barely, but as they have respect to a more noble end, viz. *To the founding of a sound and true Philosophy, for which end his learned Lordship intended them, (as he has himself more fully testified in this ensuing Preparatory.) Thus much I thought good to advertize you in mine Authors behalf, as well to take of that seeming reproach from this unbyassed peice of History, as to stir up, in some more ingenuous, and more Heroical Readers, the like intention and endeavour, with this of mine Authors: Which that it may succeed, is the hearty desire of him that, in this, and in all other things, is desirous of the Publick good and benefit.*

W. W.

The

The Description of such a Natural and Experimental History, as may be sufficient, in order to the Basis and Foundation of true Philosophy.

THat we put forth our Instauration by parcels tends to this end, that some part thereof may be out of danger. The like reason moves us, at present, to subjoyn one other little part of that work, and to set it forth together with those we have already finished; that is, the Description and Delineation of such a *Natural and Experimental History*, as may be in order to the building of *Philosophy*, and may contain matter in it sound, copious, and fitly digested for the work of the *Interpreter* that follows it. The proper place for this would be indeed, when we shall come, by the order of Inquiry unto *Preparatorics*. But it seems to us a wiser part, rather to anticipate it, than to tarry for its proper place, because that such an History, as we design in our mind, and shall presently describe, is a thing of exceeding great weight, nor can it be compassed without vast labour and charges, as that which stands in need of many mens endeavours. And (as we have elsewhere said, is a work truly Regal; wherefore we think it not amiss to try, if happily these things may be regarded by others; so that while we are perfecting in order those things which we design, this part, which is so various and burdensome, may in our life time (if so it please the Divine Majesty) be provided and prepared, others adjoyning their labours to ours in this occasion; especially seeing that our strength (if we should stand under it alone) may seem hardly sufficient for so great a Province: For, as for the business it self of the Intellect, possibly we shall be able to conquer that with our own strength; but the Materials of the Understanding are of so large an extent, that those must be gain'd and brought in from every place (as it were by Factors and Merchants.) Besides we esteem it as a thing scarce worthy our enterprize, that we our selves should spend time in such a bu-

a buſineſs as is obtainable by almoſt all mens induſtries. But that which is the main of the buſineſs, we will now our ſelves perform, Which is, to propound diligently and exactly, the manner and deſcription of ſuch a ſort of Hiſtory, as may ſatisfie our intention, leſt men, not being admoniſhed, ſhould, loyter out their times, and order themſelves after the example of the *Natural Hiſtories*, now in uſe, and ſo ſhould ſtray far from our intention. Mean time, that, which we have often ſaid, may moſt appoſitely be repeated, eſpecially in this place: That if all the Wits of all Ages, which hitherto have been, or hereafter ever ſhall be, were clubb'd together; If all Man kind had given, or ſhould hereafter give their minds wholly to Philoſophy. And if the whole Earth were, or ſhould be compoſed of nothing elſe but Academies, Colledges, and Schools of Learned Men; Yet, without ſuch a *Natural and Experimental Hiſtory*, as we ſhall now preſcribe, we deny that there could be, or can be any progreſs in Philoſophy, and other Sciences, worthy of Man-kind. But, on the contrary, ſuch an Hiſtory as this, being gain'd and well compil'd, joyning experiments of Uſe and experiments of Light together, which will be met with, or be ſearched out in the courſe of the Interpretation it ſelf, the Inqueſt of Nature, and all Sciences, would be the buſineſs of but a very few years. Either this therefore muſt be put in action, or the work muſt be deſerted; for by this one way alone the foundations of a true and active Philoſophy can be eſtabliſhed; and then men ſhall ſee clearly, being, as it were, rouſed out of a deep ſleep, what is the difference between the opinions and fictions of wit, and the true and active Philoſophy; and what it is at laſt to conſult with Nature her ſelf concerning Nature.

First, then we ſhall give ſome general precepts concerning the compiling of ſuch an Hiſtory: And next we will ſet before Mens eyes a particular frame thereof; ſometimes inſerting no leſs to what the Inqueſt ſhould be adapted and referred, than what ought to be enquired after. To wit, that the ſcope of the buſineſs being well underſtood and foreſeen, it may bring other things into the minds of men, which happily ſhall be paſſed by of us. Now this kind of Hiſtory we are wont to ſtile *The Firſt, or Mother Hiſtory.*

APHORISMS

Concerning the Compoſure of this firſt

HISTORY.

APHORISM.

I.

Nature is ſituate in a threefold ſtate, and doth, as it were, undergo a triple Government: For either ſhe is at liberty, and carries her ſelf according to her ordinary courſe; or ſhe is diſturb'd and thruſt from her ſtate by the vitiouſneſs and inſolency of the Matter, and by the violence of Impediments: Or ſhe is conſtrained and framed by Art and Humane Operation. Now the firſt of theſe Conditions relates to the *Species* of things; the ſecond to *Monſters*; the third to *Artificials*: For in things effected by Art, Nature receives the yoke from Humane *Dominion*; for thoſe things would never have been made without Man: but through the labour and operation of Man, there ſeems to be quite a new frame of Bodies, and, as it were, another Univerſality of things, or another Theatre. Threefold therefore is the *Natural Hiſtory*; for it treates of either the *Liberty*, or the *Errors*, or the *Bands* of *Nature*: So that we may not unfitly divide it into a Hiſtory of *Generations*, *Preter generations*, and *Arts*, the laſt whereof we uſe to nominate alſo *Mechanical* and *Experimental*. Nor do we give in precept that theſe three be treated of ſeverally; for why may not Relations of Monſters, in their ſeveral kinds, be joyned to the Hiſtory of the *Species* themſelves? And Artificials are ſometimes rightly joyned with the *Species*, but ſometimes they do better apart: Wherefore it is beſt to deal with theſe things according as the matter will bear it; for Method doth equally cauſe repetitions and prolixity, as well where there is too much, as where there is none of it at all.

The diviſion of the Natural Hiſtory.

II.

This *Natural Hiſtory*, as it is threefold in its ſubject (as before we have told you) ſo it is twofold in its uſe? for it is uſed either for the bare knowledge of thoſe things which are therein contained; or as the Principal and firſt matter of Philoſophy, and the ſubſtance or ſtuff (if I may ſo ſay) of the true *Induction*. And this laſt uſe of it is now intended; now,

The twofold uſe of the Natural Hiſtory.

now, I say, and never before by any man; for neither did *Aristotle* nor *Theophrastus*, nor *Dioscorides*, nor *Cajus Plinius*, much less the Modern Writers, ever propound unto themselves this end of a *Natural History*, whereof we now speak. And it is of much concernment, that whoever hereafter shall undertake the Penning of a *Natural History*, should continually think upon, and consider this with themselves, That they ought not to serve the delight of their Reader, no, nor the very profit which he may gain at present by the Relations; but to seek and find out plenty, and variety of things which may suffice for the composure of true actions: For if they will think on this, they will prescribe to themselves the manner of such an History; for the end governs the means.

III.

Three things to be avoided in the Natural History

Now, by how much this thing is a business of greater pains and industry, by so much it is the more probable, that it will be less burdened with superfluous matters. There are three things therefore, of which men are to be plainly warned, that they very seldome spend pains about them, being such things, which may increase the bulk of the work prodigiously, but can little or nothing promote its virtue.

Philosophy must be avoided.

First then, Let Antiquities, Quotations, and Suffrages of Authors cease; let Strifes, Controversies, and Dissenting Opinions, and all things *Philological* be avoided: Let not an Author be cited, unless in a dubious matter; nor let a Controversie be interposed, except in a matter of great moment. But let those things, which tend to the ornament of Speech, and to similitudes, and the treasure of Eloquence, and all such toys as these, be totally rejected; and let all those things which are received, be themselves propounded briefly, and in short, that they be nothing less than words; for no man that collects, and lays up Materials for Edifices, either for Ships, or any the like Structures, doth (as is done in Shops) take care to pile them in order for a sight to please, but he looks only that they be sound and good, and that they take up but little room in the place where they are laid, And just so must it be done with this.

Descriptions and Pictures.

Secondly, That Luxury of Natural Histories makes not much to the matter, which consists in the numerous Descriptions and Pictures of the *species*, and in the curious variety of them; for these minute varieties of them are nothing but a certain sport, or pastime, and wantonness of Nature, and they happen almost to the Nature of Individuals: And they have a certain pleasant and delightful expatiation in the things themselves, but a very small and almost superfluous Information towards the Sciences.

Superstitious Relations.

Thirdly, All Superstitious Relations (we say not Prodigious ones, when the memory of them may be found credible and maintainable, but Superstitious ones) and the experiments of Ceremonial Magick are wholly to be omitted. For we would not, that the Infancy of Philosophy, whereunto a *Natural History* gives the first Suck, should be accustomed to old Womens Fables. There may happily be a time (after there is made somewhat a deeper entrance into the inquiry of Nature) to run lightly over such things as these, if there remain any whit of Natural Virtue in those dregs, it may be extracted and laid up for use; mean time let them be laid aside. Even the experiments of Natural Magick must be diligently and severe-

severely vanned before they be received, especially those which are wont to be derived from the vulgar sympathy and antipathy, with a great deal of slothfulness and facility, both in believing and feigning them.

Neither is it a small business that is done, In the imburdening of a Natural History of these three superfluities, which we have mentioned, which would otherwise swell up whole Volumes. Nor is here an end yet; for, in a great work, it is as requisite, that the things received be framed succinctly, as that superfluous matters be lopt off: Although there is no doubt, but that this kind of curtness and brevity, will afford far less delight both to the Reader and Writer. But it must always be remembred, that this thing, that is in hand, is nothing else, but the Garner and Storehouse of things, wherein men must not tarry or dwell with pleasure; but must descend thereto as need requires, when any thing is to be made use of, about the work of the *Interpreter* which follows it.

This Natural History must be framed succinctly.

IV.

In the History which we require, and purpose in our mind, above all things it must be looked after, that its extent be large, and that it be made after the measure of the Universe, for the World ought not to be tyed into the straightness of the understanding (which hitherto hath been done) but our Intellect should be stretched and widened, so as to be capable of the Image of the World, such as we find it; for that custome of *admitting but a few things, and passing sentence according to that paucity*, and scantness hath spoiled all. Therefore we re-assuming that division of our *Natural History*, which we made of it a little before (that it be either of *Generations*, *Pregenerations*, or *Arts*) We have constituted five Parts of the *History of Generations*. Let the first be concerning the *Firmament* and *Celestial things*, the second of *Meteors*, and *Regions* (as they call them) of the *Air*, to wit of the Tracts from the Moon to the Superficies of the Earth: To which part also we assign for orders sake (however the truth of the thing be) all kind of Comets, both sublimer as lower. The third, of the *Land* and *Sea*. The fourth, of the *Elements* (as they call them) of *Flame*, or *Fire*, *Aire*, *Water*, and *Earth*. But we would have the *Elements* understood, not for the *First Principles* of things, but for the greater Masses of *Natural Bodies*: for the Nature of things is so distributed, that the Quantity, or Mass of certain Bodies in the Universe is very great, because that there is required an easie and obvious Texture of the Matter to the framing of them, such as are those four bodies which we speak of. But for certain other bodies their Quantity is in the Universe small and sparingly afforded, by reason of the Texture of the Matter very unlike and subtill, and in most of them *Determinate* and *Organical*: Such as are the *Species of Natural things*, *Metals*, *Plants*, *Animals*. Wherefore we are wont to stile the former sort of bodies *Greater Collections*, the latter *Smaller Collections*. But of those *Greater Collections* the fourth part of this History treateth under the name of *Elements*, as we said before. Nor is the fourth part confounded with the second and third in this, that in all of them we make mention of *Air*, *Water*, and *Earth*; for in the second and third part is contained the History of them, as the Entire parts of the World, and as they respect the fabrick and framing of the Universe; but in the fourth part

The extent of the Natural History.

Five parts of the History of Generations.

part there is contained the History of their Substance and Nature, which bears sway in the several similar parts of them, and is not related to the whole. In fine, the fifth part of the History treats of the *Lesser Collections* or *Species*, about which Natural Histories have hitherto been chiefly conversant.

Superstition to be avoided.

But as to the History of *Pretergenerations*, we have already said, that it may very commodiously be joyned with the History of *Generations*, but that part only which is Prodigious and Natural; for we set aside the Superstitious History of Miracles (of what sort soever) for a Treatise by it self. Nor is it to be at all received at the beginning, but a little after, when there is a little deeper entrance made into the enquiry of Nature.

The History of Arts threefol.

ut the History of Arts, and of Nature, altered and changed by Man, or the Experimental History, we make threefold: For it is either drawn forth from *Mechanick Arts*, or from the Operative Part of *Liberal Sciences*; or from many Practices and Experiments, which have not grown into a proper Art, yea, which sometimes we meet in most vulgar experience, which do not at all require any Art. Wherefore if a History should be made out of all these which we have spoken of, out of *Generations*, *Pretergenerations*, *Arts*, and *Experiments*, nothing seems to be passed by, whereby the sense might be instructed to inform the Understanding, and then we should not any longer dance round within small Circles (as if we were enchanted by a Spell) but should equalize the Circumference of the World in our Circuits.

V.

The use of the History of Arts.

Amongst those parts of History which we have spoken of, the History of *Arts* is of most use; because it demonstrates things in Motion, and leads more directly to Practice. Besides, it takes away the Vizard and Vail from Natural things, which for the most part are hidden and obscured under variety of figures and outward appearances. In fine, the vexations of Art are indeed like the Bands and Fetters of *Proteus*, which manifest the utmost endeavours and abilities of the Matter; for Bodies will not be destroyed or annihillated, but they will rather alter themselves into various forms. Therefore the greatest diligence must be used about this History although Mechanick (as it may seem) and less Liberal (without any arrogancy and pride.)

What Art are preferred.

Again, of Arts, those are preferred, which exhibite, alter, and prepare Natural Bodies, and the Materials of things; as Husbandry, Cookery, Chymistry, Dying, the Workings of Glass, Esmalta, Sugar, Gunpowder, Artificial Fires, Paper, and the like. But those are of smaller use, which chiefly consist in a subtle motion of the Hands and Instruments: such as are Weaving, Forgery, Architecture, the Operations of Mills, Clocks, and the like; although these also are by no means to be neglected; as well, because we may meet with many things in them, which have respect to the alterations of Natural Bodies; as because they do accurately inform us concerning the motion of *Lation*, which is a business of very great moment for many things. But through the whole compiling of this History of Arts, this is always to be admonished, and to be throughly committed to Memory; that in experiments of Arts, not only those are

Admonition of what Experiments are to be received.

to

to be received which lead to the end of the Art, but thoſe alſo which intervene by any means. As for example, that Locuſts and Crabs boiled, though before they were of the colour of the dust, wax red, belongs not to the Table, yet this very inſtance is not amiſs to inquire out the nature of Redneſs, ſeeing the ſame thing happens alſo to burned Bricks. Likewiſe that Fleſh is ſooner ſalted in Winter than in Summer, not only tends thither, that the Cook ſeaſon his Meats well, and as much as is ſufficient, but alſo it is a good inſtance to diſcover the Nature and Impreſſion of Cold. Wherefore he is quite out of the way, that thinks to ſatisfie our Intention by Collecting Experiments of Arts, to this end only, that the ſeveral Arts may be better perfected, (although we do not altogether deſpiſe this alſo in many things.) But this is plainly our mind, that all the Rivulets of Mechanical Experiments, may flow from every part into the Sea of Philoſophy. But the choiſe of Inſtances moſt eminent in every kind (which muſt be chiefly and diligently ſought for, and, as it were, hunted after) is to be looked for in the Prerogatives of Inſtances.

The beſt end of Experiments.

VI.

We ſhould reſume in this place alſo that which we have elſewhere more largely handled; but here, by way of precept it will ſuffice briefly to command, that there be received into this Hiſtory, firſt moſt Vulgar things, ſuch as any one would think not worthy to commit to Writing, becauſe they be ſo familiarly known: Next, things of no value, illiberal and ſordid, (for all things are clean unto the clean, and if Lucre ſmell well though out of Stale, much more doth Light and Information out of any thing:) Alſo trivial and childiſh things (no wonder, for we muſt plainly grow children again:) Laſt of all, things that ſeem to be of too nice a ſubtilty, and in themſelves are of no uſe. For (as is already ſaid) thoſe things that are propounded in this Hiſtory are not gathered together for their own ſake; wherefore it is not fit to meaſure the Dignity of them by themſelves, but ſo far forth as they may be transferred to other things, and have an influence upon Phyloſophy.

See the Lord Bacons Novum Organum libro primo. Aphor. 99. 119. 120.

What things may be received to this Nat. Hiſtory.

The way to judge of the dignity of Experiments.

VII.

This alſo we give in precept, that all things as well in Natural Bodies, as Virtues, may (as much as is poſſible) be propounded according to number, weight, and meaſure, and determinate: for we meditate of Works, not Speculations. Now Phyſicks and Mathematicks well intermingled beget Practice. Wherefore the exact reſtitutions and diſtances of the Planets muſt be inquired after, and ſet down in the *Hiſtory* of *Celeſtials*: The Circle of the Earth, and how much place it occupieth, in reſpect of the Waters, in the Superficies, in the *Hiſtory* of the *Land* and *Sea*: How great a compreſſure the Air will ſuffer without any notable change, in the *Hiſtory* of the *Air*: How much in Metals one is heavier than the other, in the *Hiſtory* of *Metals*; and innumerous ſuch others, muſt be enquired and writ down. But when exact proportions cannot be had, then indeed we

The manner of propounding things in the Nat. Hiſtory.

must flye to those that are according to estimation, or comparative indefinite ones. As (if we happily distrust to the Calculations of Astronomers concerning distances) that the Moon is within the shade of the Earth, that Mercury is above the Moon, and the like. Also when middle proportions cannot be had, let the extreams be propounded; As that a weaker Loadstone can Elevate a peice of Iron of such a weight, in respect of the weight of the Stone it self, and that one most full of virtue, to a sixtyfold proportion; which we have seen done our selves with a very small armed Loadstone. And we very well know, that those determinate Instances are not easily or often met withal, but they should be sought out as auxiliary in the very Course of the Interpretation it self (when the matter most of all requires it) notwithstanding if one do chance to meet with them, they may be inserted into the *Natural History*, so they do not too much retard the progress of its composure.

VIII.

How things must be propounded according to their Credit.

But as to the *Faith* and *Credit* of those things which are to be received in this History, they must needs either be of a certain Beleif, of a doubtful Credit, or of a condemned Faith. Now the former sort of these must be propounded simply, the second with some Note, as, (*it is reported*) or (*they say*) or (*I heard it* from a person of *Credit*) or the like; for it would be too burdensome a business to set down the Arguments of Beleif on both sides, and doubtless would be too great a Remora in the Writers way; nor makes it much matter to the business in hand, for the true Axioms will a little after convince the falseness of the *Experiments*, (if it be not too breif) as elsewhere we have declared. But if the Instance be any thing Noble, either for its own use, or because many others may depend upon it, then indeed the Author must be named, and that not only barely, but with some mention, whether he affirmed those things either upon credit, as the relations or writings of other Men (such as are very frequent in *C. Plinie*) or else upon his own knowledge; and also whether the thing was done in his time, or before him; further, whether it be such a thing as needs must have had many witnesses, if it were true; in fine, whether that very Author himself were fabulous and not credible, or sober and severe, and the like, which make much to the weight of its credit. Lastly, things of a condemned faith, and yet used and celebrated, which partly by neglect, and partly for the use of Similitudes, have for many Ages together prevalied (as, that the Adamant binds the Loadstone, and Garlike enervates it; that Amber draws all things but the Herb Basil) must not be passed over in silence, but be warned against in expres words, that they be no more troublesome to the Sciences.

See Nov. Org. libro primo Aphor. 118, lib. 1.

Falsly received things should expresly be warned against

The Causes of false opinions sometimes to be insedeli.

Moreover it will not be amiss, if happily one meet with the Original Cause of any Vanity or Credulity, to note it: As that the Herb *Satyrum* (or *Ragwort*) is said to have a force and efficacy to excite Lust; because, forsooth, its Root is shaped after the figure of the Testicles, when the truth is, that happens, because every year there grows a new knotty Root, which adheres to that part of the Root which was of the last year, whence come those Testicles; for it is manifest, that the new Root is always found solid and juicy, the old one is always withered and spungy. Wherefore, no wonder,

wonder, that one of them Sinks in the water, and the other Swims, which notwithstanding is counted a wonderful thing and adds authority to the other vertues of that Herb.

IX.

There remain certain profitable additions to the *Natural History*, and which may more commodiously incline, and fit it for the *Work of the Interpreter* which follows it. And these are five. *Five Additions to the Natural History.*

First Questions (I say, not of Causes, but of Fact) are to be added, to provoke and solicite a further Enquiry. As in the *History* of the *Land* and *Sea*. Whether the *Caspian-sea* doth Ebbe and Flow, and in what space of hours: Whether there be any Southern Continent, or rather Islands, and the like. 1. *Questions.*

Secondly, In every new and more subtle *Experiment*, the manner it self of the *Experiment* propounded should be added: That the Judgment of Men may be free, whether the Information by that *Experiment* be to be trusted to, or be deceitful, and that the Industry of Men may be stirred up to seek out ways (if it may be) more accurate. 2. *The manner when to be expressed.*

Thirdly, If there be any doubt or scruple lurking under any relation, that we would not have suppressed or kept silent at all, but be plainly and perspicuously set down, by way of Note or Advertisement; for we desire that the *First History* should be writ so circumspectly and scrupulously, as if the Writers thereof had taken an Oath for the truth of every thing therein contained; seeing it is the Volume of the *Works of God*, and (as much as is lawful to compare the Majesty of Divine things with the humility of things terrene) as it were *Another Scripture*. 3. *Doubts.*

Fourthly, It will not be amiss sometimes to interweave observations (that which *C. Plinie* did) as in the *History* of the *Land* and *Sea*. That the figure of the *Lands* (which are yet known) in respect of the *Seas*, is Southward narrow, and in a manner picket; towards the North broad and large; of the Seas quite contrary. And that great Oceans cut between the Lands with Channels stretched forth between the South and the North, not between the East and West; unless, happily in the farthest Polar Regions. Also *Canons* (which are nothing else but General and Universal Observations) may very well be joyned, as in the *History* of *Celestials*. That *Venus* never is farther distant from *Sol* than 26. degrees, *Mercury* than 23. and that the Planets, which are placed above the Sun, move very slowly, being at the farthest distance from the *Earth*; but the *Planets* below the *Sun* move most swiftly. Moreover there is another sort of *Observations* to be used, which hitherto hath not been in use, though it be of no small moment, and that is this, that to those things that *are*, those things that *are not*, be annexed, as in the History of *Celestials*; that there is not found, any Star of a long Figure or Triangular; but that every Star is Globous and that either Globous simply as the Moon, or Angulate to the sight, but round in the middle, as the other Stars, or radious to the sight and circular in the middle, as the Sun, or that the Stars are scattered without any order at all; so that amongst them there cannot be found either a five set figure, or quadrangle, or any other perfect figure (however there be imposed upon them the Names of *Delta*, of a *Crown*, a *Cross*, a *Chariot* and *four horses*, and 4. *Observations.* *Canons.* *A new sort of Observations.*

and the like) ſcarce even a ſtraight line, unleſs, happily, in the *Zone* and Dagger of *Orion*.

Fifthly, That may perhaps ſomewhat help an Inquirer which altogether perverts and deſtroys a credulous perſon. And that is, That the Opinions now received with their Variety and Sects, be rehearſed in a brief comprehenſion of words, that they may excite the underſtanding and no more.

X.

5. *Opinions.*

And let theſe ſuffice as for general Precepts; which if they be heedfully obſerved, This Work of Hiſtory will tend ſtraight to its end, and will not grow above meaſure: But if alſo, as it is circumſcribed and limited, it ſeem a vaſt work to any mean ſpirited perſon, let him turn his eyes upon Liberaries, and amongſt others upon the Bodies of the *Civil* and *Canonical Law*, on one ſide, and upon the Commentaries of Doctors and Lawyers on the other ſide, and he may ſee, what the difference will be, as to the Bulk and Volumnes. Now for us, (who like faithful Scribes cull out and write the *LAWS* themſelves of *Nature*, and nothing elſe) brevity is proper and almoſt impoſed upon us by the very things themſelves; but of *Opinions*, *Decrees*, and *Speculations* there is neither number nor end. But for that we have made mention, in the Diſtribution of our work of *Cardinal virtues*, in *Nature*; And for that alſo the Hiſtory of theſe ſhould be finiſhed, before we ſhall come to the *Work* of the *Interpretation*, we have not been unmindful of this buſineſs, but we have reſerved this work for our ſelf, becauſe we dare not much promiſe our ſelves the Induſtry of others in this buſineſs, before men ſhall have begun to acquaint themſelves a little nearer with *Nature*.

FINIS.

THE

CHARGE

OF

S. *FRANCIS BACON*, K^t.

His Majesties Attourney General, touching

DUELS.

Vpon an information in the *Star-chamber* against *Prieſt* and *Wright*.

With the Decree of the *Star-chamber* in the ſame cauſe.

LONDON,

Printed by *Sarah Griffing* and *Ben. Griffing*, for *William Lee* at the *Turks-head* in *Fleet-ſtreet*, over against *Fetter-Lane*, 1670.

THE CHARGE OF Sr. *FRANCIS BACON*, Kt.

His Majesties Attourney General, touching

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Vpon an information in the *Star-chamber* against *Priest* and *Wright*.

MY LORDS,

I Thought it fit for my place, and for these times, to bring to hearing before your Lordships some cause touching private *Duells*, to see if this Court can do any good to tame and reclaim that evil which seems unbridled. And I could have wished that I had met with some greater persons, as a subject for your censure, both because it had been more worthy of this presence, and also the better to have shewed the resolution my self hath to proceed without respect of persons in this business: But finding this cause on foot in my predecessors time, and published and ready for hearing, I thought to loose no time, in a mischief that groweth every day; and besides, it passeth not amiss sometimes in government, that the Greater sort be admonished by an example made in the Meaner, and the Dog to be beaten before the Lyon. Nay, I should think (my Lords) that men of birth and quality will leave the practise, when it begins to be vilified, and come so low as to Barber-surgeons and Butchers, and such base mechanical persons.

And for the greatness of this presence, in which I take much comfort, both as I consider it in it self, and much more in respect it is by his Majesties direction; I will supply the meanness of the particular cause, by handling of the general point; to the end that by occasion of this present cause, both my purpose of prosecution against *Duells*, and the opinion of the Court (without which I am nothing) for the censure of them may appear, and thereby offendors in that kind may read their own case, and know what they are to expect, which may serve for a warning, until example may be made in some greater person, which I doubt the times will but too soon afford,

Therefore before I come to the particular, whereof your Lordships are now to judge, I think it time best spent to speak somewhat.

First, Of the Nature and Greatness of this mischief.

Secondly, Of the Causes and Remedies.

Thirdly, Of the Justice of the Law of *England*, which some stick not to think defective in this matter.

Fourthly, Of the Capacity of this Court, where certainly the remedy of this mischief is best to be found.

And *Fifthly*, Touching mine own purpose and resolution, wherein I shall humbly crave your Lordships aid and assistance.

For the mischief it self, it may please your Lordships to take into your consideration that when revenge is once extorted out of the Magistrates hand, contrary to Gods ordinance, *Mihi vindicta, ego retribuam*, and every man shall bear the sword, not to defend but to assail; and private men begin once to presume to give Law to themselves, and to right their own wrongs, no man can foresee the dangers and inconveniences that may arise and multiply thereupon. It may cause suddain stormes in Court, to the disturbance of his Majesty, and unsafety of his person. It may grow from quarrels to banding, and from banding to trooping, and so to tumult and commotion; from particular persons, to dissention of families and alliances, yea, to national quarrels, according to the infinite variety of accidents, which fall not under foresight; so that the State by this means shall be like to a distempered and imperfect body, continually subject to inflammations and convulsions.

Besides, certainly, both in Divinity and in Policy, *Offences of presumption are the greatest*. Other offences yeild and consent to the Law *that it is good*, not daring to make defence, or to justifie themselves; but this offence expresly gives the Law an affront, as if there were two Laws, one a kind of *Gown-law*, and the other a Law of *reputation*, as they tearm it, so that *Pauls* and *Westminster*, the Pulpit and the Courts of Justice, must give place to the Law (as the King speaketh in his Proclamation) of *Ordinary* Tables, and such Reverend Assemblies; the Year-books and Statute-books, must give place to some *French* and *Italian* Pamphlets, which handle the doctrine of *Duells*, which if they be in the right, *transeamus ad illa*, lets receive them, and not keep the people in conflict and distraction between two Laws.

Again (my Lords) it is a miserable effect, when young men, full of towardness and hope, such as the Poets call *auroræ filii*, Sons of the Morning, in whom the expectation and comfort of their friends consisteth, shall be cast away and destroyed in such a vain manner; but much more it is to be deplored when so much noble and gentile blood shall be spilt upon such follies, as if it were adventured in the field in service of the King and Realm, were able to make the *fortune* of a day, and to change the fortune of a kingdome. So as your Lordships see what a desperate evil this is; it troubleth Peace, it disfurnisheth War, it bringeth Calamity upon Private Men, Peril upon the State, and Contempt upon the Law.

Touching the causes of it; The first motive no doubt is a false and erronious imagination of Honour and Credit; and therefore the King, in his last Proclamation, doth most aptly and excellently call them, *bewitching Duells*. For, if one judge of it truly, it is no better than a Sorcery, that Enchanteth

eth the ſpirits of young Men that bear great minds with a falſe ſhew, *ſpecies falſa*; and a kind of Satanical Illution and Apparition of Honour; againſt Religion, againſt Law, againſt Moral Virtue, and againſt the Preſidents and Examples of the beſt Times, and valianteſt Nations, as I ſhall tell you by and by, when I ſhall ſhew you that the Law of *England* is not alone in this point.

But then the ſeed of this miſchief being ſuch, it is nouriſhed by vain diſcourſes, and green and unripe conceipts, which nevertheleſs have ſo prevailed, as though a man were ſtaid and ſober minded, and a right believer touching the vanity and unlawfulneſs of theſe *Duels*, yet the ſtream of vulgar opinion is ſuch as it impoſeth a neceſſity upon men of value to conform themſelves; or elſewhere is no living or looking upon mens faces: So that we have not to do, in this caſe, ſo much with particular perſons, as with unſound and depraved opinions, like the dominations and ſpirits of the Air, which the Scripture ſpeaketh of.

Hereunto may be added, that men have almoſt loſt the true notion and underſtanding of *Fortitude* and *Valour*. For *Fortitude* diſtinguiſheth of the grounds of quarrels, whether they be juſt; and not only ſo, but whether they be worthy; and ſetteth a better price upon mens lives, than to beſtow them idlely. Nay it is weakneſs and diſeſteem of a mans ſelf, to put a mans life upon ſuch ledgier performances; A mans life is not to be trifled away, it is to be offered up and ſacrificed to honourable Services, publike Merits, good Cauſes, and noble Adventures. It is in expence of blood, as it is in expence of money; It is no liberality to make a profuſion of money upon every vain occaſion, nor no more it is fortitude to make effuſion of blood except the cauſe be of worth. And thus much for the cauſes of this evil.

For the remedies I hope ſome great and noble perſon will put his hand to this Plough, and I wiſh that my labours of this day may be but forerunners to the work of a higher and better hand. But yet to deliver my opinion, as may be proper for this time and place; there be four things that I have thought on, as the moſt effectual for the repreſſing of this depraved cuſtome of particular Combats:

The firſt is, that there do appear, and be declared a conſtant and ſetled reſolution in the State to abo liſh it. For this is a thing (my Lords) muſt go down at once, or not at all: For then every particular man will think himſelf acquitted in his reputation, when he ſees that the State takes it to heart, as an inſult againſt th Kings power and authority, and thereupon hath abſolutely reſolved to maſter it, like unto that which was ſet down in expreſs words, in the edict of *CHARLES* the ninth of *France* touching *Duells*, *That the King himſelf took upon him the honour of all that took themſelves grieved or intereſſed for not having performed the Combat*: So muſt the State do in this buſineſs, and in my Conſcience there is none that is but of a reaſonable ſober diſpoſition, be he never ſo valiant, (except it be ſome furious perſon that is like a Fire-work) but will be glad of it, when he ſhall ſee the law and rule of State diſintereſt him of a vain and unneceſſary hazard.

Secondly, Care muſt be taken that this evil be no more cockered, nor the humor of it fed; wherein I humbly pray your Lordſhips that I may ſpeak my mind freely, and yet be underſtood aright. The proceedings of the

great and noble Commiſſioners Marſhall, I honour and reverence much, and of them I ſpeak not in any ſort; But I ſay the compounding of Quarrels, which is otherwiſe in uſe, by private Noble-men and Gentlemen, it is ſo punctual, and hath ſuch reference and reſpect unto the received conceipts, whats before hand, and whats behind hand, and I cannot tell what as without all queſtion it doth, in a faſhion, countenance and authoriſe this practiſe of *Duells*, as if it had in it ſomewhat of right.

Thirdly, I muſt acknowledge that I learned out of the Kings laſt Proclamation the moſt prudent and beſt applied remedy for this offence (if it ſhall pleaſe his Majeſty to uſe it) that the wit of man can deviſe. This offence (my Lords) is grounded upon a falſe conceipt of honour and therefore it would be puniſhed in the ſame kind, *In eo quis rectiſſimi plectitur in quo peccat.* The fountain of honour is the King, and his Aſpect, and the Acceſs to his Perſon continueth honour in Life, and to be Baniſhed from his Preſence is one of the greateſt Eclipſes of Honour that can be; if his Majeſty ſhall be pleaſed, that when this Court ſhall Cenſure any of theſe Offences in Perſons of Eminent quality, to add this out of his own power and diſcipline, that theſe perſons ſhall be baniſhed and excluded from his Court for certain years, and the Courts of his Queen and Prince, I think there is no man that hath any good blood in him, will commit an act that ſhall caſt him into that darkneſs, that he may not behold his Soveraigns face.

Laſtly, And that which more properly concerneth this Court, we ſee (my Lords) the root of this Offence is ſtubborn: For it deſpiſeth death, which is the utmoſt of puniſhments, and it were a juſt, but a miſerable ſeverity, to execute the Law without all remiſſion or mercy, where the caſe proveth capital. And yet the late ſeverity in *France* was more, where by a kind of Marſhal-law, eſtabliſhed by Ordinance of the King and Parliament, the party that had ſlain another was preſently had to the Gibbet, in ſo much as Gentlemen of great quality were Hanged, their wounds bleeding, leaſt a natural death ſhould prevent the example of juſtice. But (my Lords) the courſe which we ſhall take is of far greater lenity, and yet of no leſs efficacy; which is to puniſh, in this Court, all the middle acts and proceedings which tend to the *Duell*, (which I will enumerate to you anon) and ſo to hew and vex the root in the branches, which no doubt in the end will kill the root, and yet prevent the extremity of Law.

Now for the Law of *England*, I ſee it excepted to, though ignorantly in two points;

The one, that it ſhould make no difference between an inſidious and foul Murther, and the killing of a Man upon fair terms, as they now call it.

The other, that the Law hath not provided ſufficient puniſhment, and reparations for contumely of words, as the Lye, and the like.

But theſe are no better than Childiſh Novelties againſt the Divine Law, and againſt all Laws in effect, and againſt the examples of all the braveſt, and moſt virtuous Nations of the World.

For firſt, for the law of God, there is never to be found any difference made in Homicide, but between Homicide voluntary and involuntary, which we tearm Miſadventure. And for the Caſe of Miſadventure it ſelf, there were Cities of refuge; ſo that the offendor was put to his flight, and that flight was ſubject to accident, whether the revenger of bloud ſhould overtak(

take him before he had gotten Sanctuary or no; It is true that our Law hath made a more subtile distinction between the will enflamed, and the will advised, between Man-slaughter in heat, and Murther upon prepensed malice, of cold blood, as the Souldiers call it, an indulgence not unfit for a chollerick and warlike Nation, for it is true, *Ira furor brevis*; a man in fury is not himself. This priviledge of passion the ancient *Roman* Law restrained, but to a Case, that was, if the Husband took the Adulterer in the manner; to that rage and provocation only it gave way, that it was an homicide was justifiable. But for a difference to be made in case of killing and destroying Man, upon a fore-thought purpose, between fowl and fair, and as it were between single Murther and vyed Murther, it is but a monstrous Child of this latter Age, and there is no Shadow of it in any Law Divine or Humane. Only it is true, I find in the Scripture that *CAIN* inticed his Brother into the Field, and slew him treacherously, But *LAMECH* vaunted of his Man-hood, *That he would Kill a Young Man, and if it were in his hurt*: So as I see no difference between an insidious Murther, but the difference between *Cain* and *LAMECH*.

As for examples, in Civil States, all Memory doth Consent, that *Grecia* and *Rome* were the most valiant and generous Nations of the World, and that which is more to be noted: they were Free Estates, and not under a Monarchy, whereby a Man would think it a great deal the more reason that particular persons should have righted themselves; and yet they had not this practise of *Duells*, nor any thing that bare shew thereof; and sure they would have had it, if there had been any virtue in it. Nay, as he saith, (*Cas et & ab hoste docori*) it is memorable, that is, reported, by a Councellour Ambassador of the Emperors, touching the censure of the Turks, of these *Duells*; There was a Combate of this kind, performed by two Persons of Quality of the Turks, wherein one of them was Slain, the other party was Convented before the Council of *Bassaes*; the manner of the reprehension was in these words; *How durst you undertake to Fight one with the other? are there not Christians enough to kill? did you not know that whether of you should be slain the loss would be the great Seigneours?* So as we may see that the most warlike Nations, whither Generous or Barbarous have ever despised this wherein now men glory.

It is true (my Lords) that I find Combates of two Natures Authorized, how justly I will not dispute, as to the latter of them.

The one, when upon the approaches of Armies in the Face one of the other, particular persons have made Challenges for Trial of Valors in the Field, upon the publick Quarrel.

This the *Romans* called *pugna per provocationem*. And this was never, but either between the Generals themselves, who were absolute, or between particulars, by licence of the Generals, never upon private Authority. So you see *DAVID* asked leave when he fought with *GOLIAH*, and *JOAB*, when the Armies were met, gave leave, and said, *Let the young men play before us*. And of this kind was that famous example in the Wars of *Naples*, between twelve *Spaniards*, and twelve *Italians*, where the *Italians* bare away the Victory; besides other infinite like examples worthy and laudable, sometimes by singles, sometimes by numbers.

The second Combate is a Judicial Trial of Right, where the right is obscure, introduced by the *Goths* and the *Northern* Nations, but more anciently

ently entertained in *Spain*; and this yet remains in some Cases, as a Divine Lot of Battail, though controverted by Divines, touching the lawfulness of it: So that a wise Writer saith, *Valiter pugnantes videntur tentare Deum, quia hoc volunt ut Deus ostendat & faciat miraculum, ut justam causam habens victor efficiatur, quod sæpe contra accidit.* But howsoever it be, this kind of fight taketh his warrant from Law. Nay, the *French* themselves, whence this folly seemeth chiefly to have flown, never had it but only in practise and tolleration, but never as authorized by Law; And yet now of late they have been fain to purge their folly with extream rigour, insomuch as many Gentlemen left between death and life in the *Duells* (as I spake before) were hastned to hanging with their wounds bleeding. For the State found it had been neglected so long, as nothing could be thought cruelty which tended to the putting of it down.

As for the second defect, pretended in our Law, that it hath provided no remedy for *Lies* and *Fillips*, it may receive like answer; It would have been thought a madness amongst the ancient Law-givers, to have set a punishment upon the *Lye given*, which in effect is but a word of denial, a negative of anothers saying. Any Law-giver, if he had been asked the question, would have made *Solons* answer, *That he had not ordained any punishment for it, because he never imagined the world would have been so fantastical as to take it so highly.* The Civilians they dispute whether an action of *Injury* lye for it, and rather resolve the contrary. And *Francis* the first of *France*, who first set on and stamped this disgrace so deep, is taxed by the judgment of all wise Writers, for beginning the vanity of it; for it was he, that when he had himself given the lye and defie to the Emperor, to make it currant in the world, said in a solemn Assembly, *That he was no honest Man that would bear the Lye*, which was the fountain of this new learning.

As for words of *reproach* and *contumely* (whereof the Lye was esteemed none) it is not credible (but that the Orations themselves are extant) what extream and exquisite reproaches were tossed up and down in the Senate of *Rome*, and the places of Assembly, and the like in *Greece*, and yet no man took himself fowled by them, but took them but for breath, & the stile of an Enemy, and either despised them or returned them, but no blood spilt about them.

So of every touch or light blow of the person they are not in themselves considerable, save that they have got upon them the stampe of a disgrace, which maketh these light things pass for great matter. The Law of *England*, and all Laws, hold these degrees of Injury to the person; *slander*, *battery*, *maime*, and *death*: And if there be extraordinary circumstances of despight and contumely, as in case of Libels and Bastanadoes, and the like, this Court taketh them in hand and punisheth them exemplarily. But for this apprehension of a disgrace, that a Fillippe to the Person should be a mortal Wound to the Reputation, it were good that Men did hearken unto the saying of *Consalvo*, the great and famous Commander, that was wont to say; *A Gentlemans honour should be, De tela crassiore*, of a good strong Warp or Web, that every little thing should not catch in it, when as now it seems they are but of Cobweb-lawn, or such light stuff, which certainly is weakness, and not true greatness of mind, but like a sick Mans body, that is so tender, that it feels every thing. And so much in maintenance and demonstration of the wisdom and justice of the Law of the Land.

For

For the capacity of this Court, I take this to be a ground infallible, *That whereſoever an offence is Capital, or matter of Felony, though it be not acted, there the combination or practiſe, tending to that offence is puniſhable in this Court, as a high Miſdemeanor.* So practiſe to Impoiſon, though it took no effect; way-laying to Murther, though it took no effect, and the like have been adjudged haynous Miſdemeanors puniſhable in this Court. Nay, inceptions and preparations in inferior crimes (that are not capital) as ſuborning and preparing of Witneſſes, that were never depoſed, or depoſed nothing material, have likewiſe been cenſured in this Court, as appeareth by the Decree in *Garnons* Caſe.

Why? then the *Major* propoſition being ſuch, the *Minor* cannot be denied: for every appointment of the Field, is but combination and plotting of Murther, let them guild it how they liſt, they ſhall never have fairer terms of me in place of juſtice. Then the concluſion followeth, that it is a Caſe fit for the cenſure of this Court. And of this there be preſidents in the very point of Challenge.

It was the Caſe of *Wharton*, Plaintiff againſt *Ellesar* and *Acklam* Defendants, where *Acklam* being a follower of *Ellesars*, was cenſured for carrying a Challenge from *Ellesar* to *Wharton*, though the Challenge was not put in Writing, but delivered only by word of Meſſage; and there are words in the Decree, that ſuch Challenges are to the ſubverſion of Government.

Theſe things are well known, and therefore I needed not ſo much to have inſiſted upon them, but that in this Caſe I would be thought not to innovate any thing of mine own head, but to follow the former preſidents of the Court, though I mean to do it more throughly, becauſe the time requires it more.

Therefore now to come to that which concerneth my part, I ſay, that by the favour of the King and the Court, I will proſecute in this Court in the Caſes following.

If any man ſhall Appoint the Field, though the Fight be not acted or performed.

If any man ſhall ſend any Challeng in writing, or any meſſage of Challeng.

If any man carry or deliver any writing or meſſage of Challenge.

If any man ſhall accept or return a Challenge.

If any man ſhall accept to be a Second in a Challenge of either ſide.

If any man ſhall depart the Realm, with intention and agreement to perform the Fight beyond the Seas.

If any man ſhall revive a quarrel by any ſcandalous bruites or writings, contrary to a former Proclamation publiſhed by his Majeſty in that behalf.

Nay, I hear there be ſome Counſel learned of Duels, that tell young men when they are before hand, and when they are otherwiſe, and thereby incenſe and incite them to the Duell, and make an art of it; I hope I ſhall meet with ſome of them too, and I am ſure (my Lords) this courſe of preventing Duells in nipping them in the bud, is fuller of clemency and providence than the ſuffering them to go on, and hanging Men with their wounds bleeding, as they did in *France*.

To conclude I have ſome petitions to make, firſt, to your Lordſhip, my Lord Chancellor, that in caſe I be advertiſed of a purpoſe in any to go beyond the Sea to Fight, I may have granted his Majeſties Writ of *Ne exeat*

regnum

regnum to ſtop him, for this Giant beſtrideth the ſea, and I would take and ſnare him by the foot on this ſide, for the combination and plotting is on this ſide, though it ſhould be acted beyond ſea. And your Lordſhip ſaid notably the laſt time I made a motion in this buſineſs, that a man may be as well, *fur de ſe*, as *felo de ſe*, if he ſteal out of the Realm for a bad purpoſe, and for the ſatisfying of the words of the Writ, no man will doubt but he doth *machinari contra coronam* (as the words of the Writ be) that ſeeketh to Murther a Subject; for that is ever *contra coronam & dignitatem*. I have alſo a ſuit to your Lordſhips all in general, that for Juſtice ſake, and for true honours ſake, honour of Religion, Law, and the King our Maſter, againſt this fond and falſe diſguiſe or puppetry of honour, I may in my proſecution (which it is like enough may ſometimes ſtir coals (which I eſteem not for my particular, but as it may hinder the good ſervice) I may (I ſay) be countenanced and aſſiſted from your Lordſhips: Laſtly, I have a petition to the Nobles and Gentlemen of *England*, that they would learn to eſteem themſelves at a juſt price. *Non hos quæſitum munus in uſus*, their blood is not to be ſpilt like water or a vile thing, therefore that they would reſt perſwaded there cannot be a form of honour, except it be upon a worthy matter. But for this, *Ipſi viderint*, I am reſolved. And thus much for the general; now to the preſent caſe.

THE

THE

DECREE.

OF THE

STAR-CHAMBER

In the ſame Cauſe.

In Camerâ ſtellatâ coram concilio ibidem 26°. *die* Januarij *anno undecimo* Jacobi *Regis.*

The Preſence.

Thomas Lord *Elleſmere* Lord Chancellor of *England.*

Henry Earl of *Northampton* Lord *Privy Seal.*

Charles Earl of *Nottingham* Lord high Admiral of *England.*

Thomas Earl of *Suffolk* Lord Chamberlain.

Edward Lord *Zouch.*

George Lord Arch-Biſhop of *Canterbury.*

John Lord Biſhop of *London.*

Sir *Edward Cooke* Knight, Lord Chief Juſtice of *England.*

Sir *Henry Hobart* Knight, Lord Chief Juſtice of the Common-pleas.

William Lord *Knolles* Treaſurer of the *Houſhold.*

Edward Lord *Wotton* Controwler.

John Lord *Stanhop,* Vice-Chamberlain.

Sir *Julius Cæſar* Knight, Chancellor of the Exchequer:

The DECREE *of the* STAR-CHAMBER *againſt* DUELS.

THis day was heard and debated at large, the ſeveral matters of Informations here exhibited by Sir *Francis Bacon* Knight his Majeſties Attorney General, the one againſt *William Priel* Gentleman, for writing and ſending a Letter of Challenge, together with a ſtick, which ſhould be the length of the Weapon, And th' other againſt *Richard Wright* Eſquire for carrying and delivering the ſaid Letter and ſtick unto the Party challenged, and for other contemptuous and inſolent behaviour uſed before the Juſtices of the Peace in *Surrey* at their Seſſions, before whom he was convented. Upon the opening of which Cauſe his Highneſs ſaid Attorney General did firſt give his reaſon to the Court, why in a Caſe which he intended ſhould be a leading Caſe, for the repreſſing of ſo great a miſchief in the Common-wealth, and concerning an offence which raigneth chiefly amongſt perſons of honour and quality, he ſhould begin with a Cauſe which had paſſed between ſo mean Perſons as the Defendants ſeemed to be; which he ſaid was done, becauſe he found this Cauſe ready Publiſhed: And in ſo growing an evil, he thought good to loſe no time, whereunto he added, that it was not amiſs ſometimes to beat the Dog before the Lyon, ſaying further, that he thought it would be ſome motive for Perſons of Birth and Countenance to leave it, when they ſaw it was taken up by baſe and mechanical fellowes, but concluded; That he reſolved to proceed without reſpect of Perſons for the time to come, and for the preſent to ſupply the meanneſs of this particular Caſe by inſiſting the longer upon the general point.

Wherein he did firſt expreſs unto the Court, at large, the greatneſs and dangerous conſequence of this preſumptuous offence, which extorted revenge out of the Magiſtrates hand, and gave boldneſs to private men to be Law-givers to themſelves, the rather becauſe it is an offence that doth juſtifie it ſelf againſt the Law, and plainly gives the Law an affront; deſcribing alſo the miſerable effect which it draweth upon private families by cutting off Young-men, otherwiſe of good hope, and chiefly the loſs of the King and Common-wealth, by the caſting away of much good blood, which being ſpent in the field upon occaſion of ſervice where able to continue the renown, which this Kingdome hath obtained in all ages, of being eſteemed victorious.

Secondly, his Majeſties ſaid Attorney general did diſcourſe touching the cauſes and remedies of this miſchief, that prevailed ſo in theſe times, ſhewing the ground thereof to be a falſe and erroneous imagination of ho-

nor and credit, according to the term which was given to those *Duels*, by a former Proclamation of his Majesties, which called them *bewitching Duels*, for that it is no better, than a kind of sorcery, which enchanteth the spirits of Young-men, which bear great minds with a shew of honor in that which is no honor indeed, being against Religion, Law, Moral Vertue, and against the presidents and examples of the best times, and valiantest Nations of the World, which though they excelled for prowess and military vertue in a publique quarrel, yet knew not what these private *Duels* meant: saying further, that there was too much way and countenance given unto these *Duels* by the course that is held by Noble-men and Gentlemen in compounding of quarrells, who use to stand too punctually upon conceits of satisfactions, and distinctions, what is before-hand, and what behind hand, which do but feed the humour: Adding likewise that it was no fortitude to shew valour in a quarrel, except there were a just and worthy ground of the quarrel; but that it was weakness to set a mans life at so mean a rate, as to bestow it upon trifling occasions, which ought to be rather offered up and sacrificed to honourable services, publique merits, good causes and noble Adventures, And as concerning the Remedies, he concluded: That the only way was, that the State would declare a constant and settled resolution to master and put down this presumption in private men, of what-soever degree, of righting their own wrongs, and this to doe at once, For that then every particular man would think himself acquitted in his reputation, when that he shall see that the State takes his honor into their hands, and standeth between him and any Interest, or prejudice, which he might receive in his reputation for obeying; whereunto he added likewise, that the wisest and mildest way to suppress these *Duels*, was rather to punish in this Court all the Acts of preparation, which did in any wise tend to the *Duels*, (as this of Challenges and the like) and so to prevent the Capital punishment, and to vex the root in the branches, than to suffer them to run on to the execution, and then to punish them Capitally, after the manner of *France*, where of late times Gentlemen of great Quality, that had killed others in *Duel*, were carried to the Gibbet with their wounds bleeding, least a natural death should keep them from the example of Justice.

Thirdly his Majesties said Attorney general did, by many reasons, which he brought and alledged, free the Law of *England* from certain vain and childish exceptions, which are taken by these *Duellists*: The one, because the Law makes no difference in punishment between an insidious and foul Murther, and the killing of a man upon Challenge and fair terms, as they call it. Th'other for that the Law hath not provided sufficient punishment, and reparation for contumely of words, as the *Lye*, and the like, wherein his Majesties said Attorney general did shew, by many weighty arguments and examples: That the Law of *England* did consent with the Law of *God*, and the Law of *Nations* in both those points, and that this distinction in Murther between foul and fair, and this grounding of mortal quarrels upon uncivil and reproachful words, or the like disgraces, was never authorised by any law, or ancient examples, but it is a late vanity crept in from the practice of the *French*, who themselves since have been so weary of it, as they have been forced to put it down with all severity.

Fourthly,

Fourthly, his Majeſties ſaid Attorney General did prove unto the Court by rules of Law and Preſidents; that this Court hath Capicity to puniſh ſending and accepting of Challenges, though they were never acted nor executed; taking for a ground infallible, that whereſoever an offence is Capital or matter of fellony, if it be acted and performed, there the conſpiracy, combination, or practice tending to the ſame offence is puniſhable as a high miſdemeanour, although they never were performed. And therefore that practiſe to impoiſon though it took no effect, and the like, have been puniſhed in this Court: and cited the Preſident in *Garnons* caſe, wherein a crime of a much inferiour nature, the ſuborning and preparing of Witneſſes, though they never were depoſed, or depoſed nothing material, was cenſured in this Court, whereupon he concluded, that for as much as every appointment of the field is in Law but a combination of plotting of a Murther, howſoever Men might guild it: That therefore it was a Caſe fit for the cenſure of this Court, and therein he vouched a Preſident in the very point, that in a Caſe between *Wharton* Plaintiff, and *Elerker* and *Acklam* Defendants. *Acklam* being a follower of *Elerker* had carried a challenge unto *Wharton*, and although it were by word of mouth, and not by writing, yet it was ſeverely cenſured by the Court; the Decree having words, that ſuch Challenges do tend to the ſubverſion of government: And therefore his Majeſties Attorney willed the ſtanders by to take notice that it was no innovation that he brought in, but a proceeding, according to former Preſidents of the Court, although he purpoſed to follow it more throughly than had been done ever heretofore, becauſe the times did more and more require it. Laſtly his Majeſties ſaid Attorney General did declare and publiſh to the Court in ſeveral Articles his purpoſe and reſolution in what Caſes he did intend to proſecute offences of that nature in this Court, That is to ſay, That if any man ſhall appoint the field, although the fight be not acted or performed. If any man ſhall ſend any Challenge in writing, or meſſage of Challenge, If any man ſhall carry or deliver any writing or meſſage of Challenge, If any man ſhall except or return a Challenge. If any man ſhall accept to be a ſecond in a Challenge of either part: If any man ſhall depart the Realm with intention and agreement to perform the fight beyond the ſeas: If any man ſhall revive a quarrel, by any ſcandalous bruits or writings contrary to a former Proclamation, publiſhed by his Majeſty in that behalf, that in all theſe Caſes his Majeſties Attorney General, in diſcharge of his duty, by the favour and aſſiſtance of his Majeſty and the Court, would bring the Offenders of what ſtate or degree whatſoever to the juſtice of this Court, leaving the Lords Commiſſioners Marſhal to the more exact remedies; adding further, that he heard there was certain Councel learned of *Duels*, that tell Youngmen when they are beforehand, and when they are otherwiſe, and did incenſe and incite them to the *Duel*, and made an art of it, who likewiſe ſhould not be forgotten, and ſo concluded with two petitions, the one in particular to the Lord Chancellor, that in caſe advertiſement were given of a purpoſe in any to go beyond the Seas to fight, there might be granted his Majeſties writt of *Ne exeat regnum* againſt him: And the other to the Lords in general, that he might be aſſiſted and countenanced in this ſervice.

After which opening and Declaration of the General Cauſe, His Majeſties

jeſties ſaid Attorney did proceed to ſet forth the proofs of this particular Challenge and Offence now in hand and brought to the judgement and cenſure of this honourable Court; whereupon it appeared to this honorable Court by the Confeſſion of the ſaid Defendant *Prieſt* himſelf, that he having received ſome wrong and diſgrace at the hands of one *Hutcheſt*, did thereupon in revenge thereof writ a Letter to the ſaid *Hutcheſt* containing a Challenge to fight with him at ſingle Rapier, which Letter the ſaid *Prieſt* did deliver to the ſaid Defendant *Wright*, together with a ſtick containing the length of the Rapier, wherewith the ſaid *Prieſt* meant to perform the fight; whereupon the ſaid *Wright* did deliver the ſaid Letter to the ſaid *Hutcheſt*, and did read the ſame unto him, and after the reading thereof did alſo deliver to the ſaid *Hutcheſt* the ſaid ſtick, ſaying that the ſame was the length of the weapon mentioned in the ſaid Letter But the ſaid *Hutcheſt* (dutifully reſpecting the preſervation of his Majeſties peace) did refuſe the ſaid Challenge, whereby no further miſchief did enſue thereupon. This honourable Court, and all the honourable preſence this day ſitting, upon grave and mature deliberation, pondering the quality of theſe offences, they generally approved the ſpeech and obſervations of his Majeſties ſaid Attorney general, and highly commended his great care and good ſervice in bringing a cauſe of this nature to publick puniſhment and example, and in profeſſing a conſtant purpoſe to go on in the like courſe with others; Letting him know, that he might expect from the Court all concurrance and aſſiſtance in ſo good a work. And thereupon the Court did by their ſeveral opinions and ſentences declare how much it imported the peace and proſperous eſtate of his Majeſty and his Kingdom to nip this practice and offence of *Duels* in the head, which now did over-ſpread and grow univerſal, even among mean perſons, and was not onely entertained in practice and cuſtome, but was framed into a kind of Art and Precepts? ſo that according to the ſaying of the Scripture, *Miſchief is imagined like a Law.* And the Court with one conſent did declare their opinions. That by the ancient Law of the Land, all Inceptions, Preparations, and Combinations to execute un awful acts, though they never be performed as they be not to be puniſhed capitally except it be in caſe of Treaſon, and ſome other perticular Caſes of Statute Law: So yet they are puniſhable as miſdemeanors and contempts: And that this Court was proper for offences of ſuch nature, eſpecially in this Caſe, where the bravery and inſolency of the times are ſuch as the ordinary Magiſtrates and Juſtices, that are truſted with the preſervation of the Peace are not able to maſter and repreſs theſe offences, which were by the Court at large ſet forth, to be not onely againſt the Law of God, to whom and his Subſtitutes all revenge belongeth, as part of his Prerogative, but alſo againſt the oath and ducty of every ſubject unto his Majeſty, for that the Subject doth ſwear unto him by the ancient Law, allegiance of life and member, whereby it is plainly inferred that the ſubject hath no diſpoſing power over himſelf of life and member to be ſpent or ventured according to his own paſſions and fancies, in ſo much as the very practice of Chivalry in Juſts and Tournayes, which are but images of martial actions, appear by ancient Preſidents not to be lawful without the Kings licence obtained. The Court alſo noted, that theſe private *Duels* or Combats were of another nature from the Combats which have been

been allowed by the Laws well of this Land as of other Nations, for the tryal of rights or appeals. For that those Combats receive direction in Chivalry from the Law, whereas these contrariwise spring only from the unruled humours of private men. And as for the precedence of honor, the Court much misliking the confusion of degrees which is grown of late (every man assuming unto himself the term and attribute of honor, did utterly reject and condemn the opinion that the private *Duel*, in any person whatsoever had any grounds of honor, as well because nothing can be honourable that is not lawful, and that it is no magnanimity or greatness of mind, but a swelling and tumor of the mind, where their faileth a right and sound Judgement; as also for that it was rather justly to be esteemed a weakness and a conscience of small value in a man's self to be dejected, to with a word or trifling disgrace as to think there is no recure of it, but by the hazard of life: whereas true honour in persons that know their own worth is not of any such brittle substance but of a more strong composition. And finally, the Court shewing a firm and setled resolution to proceed with all severity against these *Duels* gave warning to all young Noblemen and Gentlemen, that they should not expect the like connivence or tolleration as formerly have been, but that Justice should have a full passage without protection or interruption. Adding, that after a first Admonition, whosoever should attempt a Challenge or Combat, in case where the other party was restrained to answer him, (now all good subjects are) did by their own principles receive the dishonour and disgrace upon himself, and for the present Cause, The Court hath ordered, adjudged, and decreed, that the said *William Priest* and *Richard Wright*, be committed to the Prison of the *Fleet*, and the said *Priest* to pay five hundred pounds and the said *Wright* five hundred marks for their several Fines to his Majesties use. And to the end, that some more publique example may be made hereof amongst his Majesties people, The Court hath further Ordered and Decreed, That the said *Priest* and *Wright* shall at the next Assizes to be holden in the County of *Surrey* publiquely in face of the Court, the Judges sitting, acknowledge their high contempt and offence against God, his Majesty, and his Laws, and shew themselves penitent for the same. Moreover the wisdom of this high and honourable Court thought it meet and necessary that all sorts of his Majesties subjects should understand and take notice of that which hath been said and handled this day touching this matter, aswel by his Highness Attorney General, as by the Lords, Judges, touching the Law in such Cases. And therefore the Court hath enjoyned Master Attorney to have special care to the penning of this Decree, for the setting forth in the same summarily the matters and reasons, which have been opened and delivered by the Court touching the same, and nevertheless also at some time convenient to publish the particulars of his speech and declaration, as very meet and worthy to be remembred, and made known to the world, as these times are: And this Decree, being in such sort carefully drawn and penned, the whole Court thought it mete, and so have ordered and decreed, that the same be not onely read and published at the next Assizes for *Surry* at such time as the said *Priest* and *Wright* are to acknowledge their offences as aforesaid; But that the same be likewise published and made known in all Shires of this Kingdom. And to that end

the

the Juſtices of Aſſize are required by this honourable Court to cauſe this Decree to be ſolemnly read and publiſhed in all the p'acings and ſittings of their ſeveral Circuits, and in the greateſt Aſſembly, to the end, that all his Majeſties ſubjects may take knowledge and underſtand the opinion of this honourable Court in this caſe, and in what meaſure, his Majeſty, and this honourable Court, purpoſeth to puniſh ſuch as ſhall fall into the like contempt and offences hereafter. Laſtly this honourable Court much approving that which the right honourable Sir *Edward Cke* Knight, Lord Chief Juſtice of *England* did now deliver touching the Law in this caſe of *Duels*, hath enjoyned his Lordſhip to report the ſame in print, as he hath formerly done divers other Caſes, that ſuch as underſtand not the Law in that behalf, and all others may better direct themſelves and prevent the danger thereof hereafter.

FINIS.

THE

APOLOGY

OF

S^r. FRANCIS BACON K^t.

In certain Imputations concerning the late Earl of *Essex.*

WRITTEN

To the Right Honourable his very good Lord, the Earl of *Devonshire*, Lord Lieutenant of *Ireland.*



LONDON,

Printed by *S. G.* & *B. G.* for *William Lee*, and are to be sold at the sign of the Turks-Head in *Fleet-street*, over against *Fetter-Lane*, 1670.

To the Right Honourable his very good Lord, the Earl of Devonſhire, *Lord Lieutenant of* Ireland.

IT may pleaſe your good Lordſhip: I cannot be ignorant, and ought to be ſenſible of the wrong which I ſuſtain in common ſpeech, as if I had been falſe, or unthankful to that noble, but unfortunate Earl, the Earl of *Eſſex*: and for ſatisfying the vulgar ſort, I do not ſo much regard it; though I love a good name, but yet as an handmaid, and attendant of honeſty and vertue. For I am of his opinion that ſaid pleaſantly, *That it was a ſhame to him that was a Suiter to the Miſtriſs, to make love to the Waiting woman*; and therefore to woe or court common fame otherwiſe then it followeth on honeſt courſes, I for my part, find not my ſelf fit nor diſpoſed. But on the other ſide, there is no worldly thing that concerneth my ſelf, which I hold more dear, than the good opinion of certain perſons; amongſt which there is none I would more willingly give ſatisfaction unto, then to your Lordſhip. Firſt, becauſe you loved my Lord of *Eſſex*, and therefore will not be partial towards me; which is part of that I deſire, next, becauſe it hath ever pleaſed you to ſhew your ſelf to me an honorable friend; and ſo no baſeneſs in me to ſeek to ſatisfie you: and laſtly becauſe I know your Lordſhip is excellently grounded in the true rules and habits of duties and moralities; which muſt be they which ſhall decide this matter: wherein (my Lord) my defence needeth to be but ſimple and brief: namely, that whatſoever I did concerning that action and proceeding, was done in my duty and ſervice to the Queen and the State; in which I would not ſhew my ſelf falſe-hearted, nor faint-hearted, for any mans ſake living. For every honeſt man that hath his heart well planted, will forſake his King, rather than forſake God; and forſake his friend, rather than forſake his King; and yet will forſake any earthly commodity, yea, and his own life in ſome caſes, rather than forſake his friend. I hope the world hath not forgotten theſe degrees: elſe the heathen ſaying; *Amicus uſque ad aras*, ſhall judge them.

And if any man ſhall ſay, I did officiouſly intrude my ſelf into that buſineſs, becauſe I had no ordinary place; the like may be ſaid of all the buſineſs in effect that paſſed the hands of the learned Councel, either of State or Revenues theſe many years, wherein I was continually uſed. For, as your Lordſhip may remember, the Queen knew her ſtrength ſo well, as ſhe looked her word ſhould be a warrant; and after the manner of the choiſeſt Princes before her, did not always tye her truſt to place, but did ſometime divide private favour from office. And I for my part, though I was not ſo unſeen in the world, but I knew the condition was ſubject to envy and peril; yet becauſe I knew again ſhe was conſtant in her favours, and made an end were ſhe began, and eſpecially, becauſe ſhe upheld me with extraordinary acceſs, and other demonſtrations of confidence and grace, I reſolved to indure it, in expectation of better. But my ſcope and deſire is,

that your Lordſhip would be pleaſed to have the honourable patience, to know the truth, in ſome particularity, of all that paſſed in this cauſe, wherein I had any part, that you may perceive how honeſt a heart I ever bear to my Soveraign, and to my Country, and to that Noble man, who had ſo well deſerved of me, and ſo well accepted of my deſervings; whoſe fortune I cannot remember without much grief. But for any action of mine towards him, there is nothing that paſſed me in my life time, that cometh to my remembrance with more clearneſs, and leſs check of conſcience: for it will appear to your Lordſhip, that I was not only not oppoſite to my Lord of *Eſſex*, but that I did occupy the utmoſt of my wits, and adventure my fortune with the Queen to have reintegrated his, and ſo continued faithfully and induſtriouſly, till his laſt fatal impatience (for ſo I will call it) after which day there was not time to work for him, though the ſame, my affection, when it could not work on the ſubject proper, went to the next, with no ill effect towards ſome others, who I think do rather not know it, than not acknowledge it. And this I will aſſure your Lordſhip, I will leave nothing untold, that is truth for any enemy that I have to adde; and on the other ſide, I muſt reſerve much which makes for me, in many reſpects of duty, which I eſteem above my credit: and what I have here ſet down to your Lordſhip, I proteſt, as I hope to have any part in God's favour, is true.

It is well known, how I did many years ſince dedicate my travels and ſtudies, to the uſe and (as I may tearm it) ſervice of my Lord of *Eſſex*, which I proteſt before God, I did not, making election of him as the likelieſt mean of mine own advancement, but out of the humor of a man, that even from the time I had any uſe of reaſon (whether it were reading upon good books, or upon the example of a good Father, or by nature) I loved my Country more than was anſwerable to my fortune, and I held at that time my Lord to be the fitter inſtrument to do good to the State: and therefore I applied my ſelf to him, in a manner which I think hapneth rarely among men: for I did not only labour carefully and induſtriouſly in that he let me about, whether it were matter of advice or otherwiſe, but neglecting the Queens ſervice, mine own fortune, and in a ſort my vocation, I did nothing but adviſe and ruminate with my ſelf to the beſt of my underſtanding, propoſitions and memorials, of any thing that might concern his Lordſhips honour, fortune, or ſervice. And when not long after I entred into this courſe, my Brother Mr. *Anthony Bacon* came from beyond the Seas, being a Gentleman whoſe ability the world taketh knowledge of for matters of State, ſpecially forraign; I did likewiſe knit his ſervice to be at my Lords diſpoſing. And on the otherſide, I muſt and will ever acknowledge my Lords love, truſt and favour towards me, laſt of all his liberality, having infeofed me of land which I ſold for eighteen hundred pounds to Maſter *Reynold Nicholas*, and I think was more worth, and that at ſuch a time, and with ſo kind and noble circumſtances, as the manner was as much as the matter: which though it be but an idle digreſſion, yet becauſe I am not willing to be ſhort in commemoration of his benefits, I will preſume to trouble your Lordſhip with the relating to you the manner of it. After the Queen had denied me the Solicitors place, for the which his Lordſhip had been a long and earneſt ſutor on my behalf, it pleaſed him to come to me from *Richmond* to *Twicknam* Park, and brake with

with me, and ſaid: Mr. *Bacon*, the Queen hath denied me the place for you, and hath placed another; I know you are the leaſt part of your own matter, but you fare ill, becauſe you have choſen me for your mean and dependance: you have ſpent your time and thoughts in my matters; I dye (theſe were his very words) if I do not ſomewhat towards your fortune, you ſhall not deny to accept a piece of Land, which I will beſtow upon you. My anſwer I remember was, that for my fortune it was no great matter: but that his Lordſhips offer made me call to mind what was wont to be ſaid when I was in *France* of the Duke of *Guiſe*, that he was the greateſt Uſurer in *France*, becauſe he had turned all his Eſtate into obligations; meaning that he had left himſelf nothing, but only had bound numbers of perſons to him. Now my Lord (ſaid I) I would not have you imitate his courſe, nor turn your ſtate thus by great gifts into obligations, for you will find many bad debtors. He bad me take no care for that, and preſſed it: whereupon I ſaid, my Lord, I ſee I muſt be your homager, and hold Land of your gift: but do you know the manner of doing homage in law? Always it is with a ſaving of his faith to the King and his other Lords, and therefore my Lord (ſaid I) I can be no more yours than I was, and it may be with the ancient ſavings: and if I grow to be a rich man, you will give me leave to give it back to ſome of your unrewarded followers. But to return, ſure I am (though I can arrogate nothing to my ſelf but that I was a faithful remembrance to his Lordſhip) that while I had moſt credit with him his fortune went on beſt. And yet in two main points we always directly and contradictorily differed, which I will mention to your Lordſhip, becauſe it giveth light to all that followed. The one was, I ever ſet this down, that the only courſe to be held with the Queen, was by obſequiouſneſs and obſervance; and I remember I would uſually engage confidently, that if he would take that courſe conſtantly, and with choiſe of good particulars to expreſs it the Queen would be brought in time to *Aſſuerus* queſtion, to ask, *What ſhould be done to the man, that the King would honour*: meaning, that her goodneſs was without limit, where there was a true concurrence, which I knew in her nature to be true. My Lord, on the otherſide, had a ſettled opinion, that the Queen could be brought to nothing, but by a kind of neceſſity and authority; and I well remember, when by violent courſes at any time he had got his will he would ask me. Now Sir: *whoſe principles be true?* And I would again ſay to him: *My Lord, theſe courſes be like to hot waters, they will help at a pang: but if you uſe them, you ſhall ſpoil the ſtomack, and you ſhall be fain ſtill to make them ſtronger and ſtronger, and yet in the end they will leſs their operation:* with much other variety, wherewith I uſed to touch that ſtring. Another point was, that I always vehemently diſſwaded him from ſeeking greatneſs by a military dependance, or by a popular dependance, as that which would breed in the Queen jealouſie, in himſelf preſumption, and in the State perturbation: and I did uſually compare them to *Icarus* two wings which were joyned on with wax, and would make him venture to ſoar too high, and then fail him at the height. And I would further ſay unto him: My Lord, ſtand upon two feet, and fly not upon two wings. The two feet are the two kinds of *juſtice*, Commutative and Diſtributive: uſe your greatneſs for advancing of merit and vertue, and relieving wrongs and burdens, you ſhall need no other art or fineneſs: but he would

tell

tell me, that opinion came not from my mind, but from my robe. But it is very true, that I that never meant to inthral my ſelf to my Lord of *Eſſex*, nor any other man, more than ſtood with the publick good, did (though I could little prevail) divert him by all means poſſible from courſes of the wars and popularity: for I ſaw plainly the Queen muſt either live or dye; if ſhe lived, then the times would be as in the declination of an old Prince; if ſhe died, the times would be as in the beginning of a new: and that if his Lordſhip did riſe too faſt in theſe courſes, the times might be dangerous for him, and he for them: Nay, I remember, I was thus plain with him, upon his voyage to the Iſlands, when I ſaw every Spring put forth ſuch actions of charge and provocation, that I ſaid to him, my Lord, when I came firſt unto you, I took you for a Phyſitian that deſired to cure the diſeaſes of the State; but now I doubt you will be like thoſe Phyſitians, which can be content to keep their Patients low, becauſe they would always be in requeſt: which plainneſs he nevertheleſs took very well, as he had an excellent ear, and was *patientiſſimus veri*, and aſſured me the caſe of the Realm required it: and I think this ſpeech of mine, and the like renewed afterwards, pricked him to write that Apology which is in many mens hands.

But this difference in two points ſo main and material, bred in proceſs of time a diſcontinuance of privateneſs (as it is the manner of men ſeldome to communicate where they think their courſes not approved) between his Lordſhip and my ſelf; ſo as I was not called nor adviſed with, for ſome year and a half before his Lordſhips going into *Ireland*, as in former time: yet nevertheleſs, touching his going into *Ireland*, it pleaſed him expreſly, and in a ſet manner to deſire mine opinion and counſel. At which time I did not only diſſwade, but proteſt againſt his going, telling him with as much vehemency and aſſeveration as I could, that abſence in that kind would exulcerate the Queens mind, whereby it would not be poſſible for him to carry himſelf ſo, as to give her ſufficient contentment: nor for her to carry her ſelf ſo, as to give him ſufficient countenance, which would be ill for her, ill for him, and ill for the State. And becauſe I would omit no argument, I remember I ſtood alſo upon the difficulty of the action: ſetting before him out of Hiſtories, that the *Iriſh* was ſuch an enemy as the ancient *Gauls*, or *Britons*, or *Germans* were; & that we ſaw how the *Romans*, who had ſuch diſcipline to govern their ſoldiers, & ſuch donatives to encourage them, and the whole world in a manner to levy them; yet when they came to deal with enemies which placed their felicity only in liberty, and the ſharpneſs of their ſword, and had the natural elemental advantages of woods, and boggs, and hardneſs of bodies, they ever found they had their hands full of them, and therefore concluded that going over with ſuch expectation as he did, and through the churliſhneſs of the enterpriſe not like to anſwer it, would mightily diminiſh his reputation; and many other reaſons I uſed, ſo as I am ſure I never in any thing in my life time dealt with him in like earneſtneſs by ſpeech, by writing, and by all the means I could deviſe. For I did as plainly ſee his overthrow chained, as it were by deſtiny to that journey, as it is poſſible for a man to ground a judgement upon future contingents. But my Lord, howſoever his ear was open, yet his heart and reſolution was ſhut againſt that adviſe, whereby his ruin might have been prevented. After my Lords going, I ſaw then how

how true a Prophet I was, in regard of the evident alteration which naturally ſucceeded in the Queens mind; and thereupon I was ſtill in watch to find the beſt occaſion that in the weakneſs of my power I could either take or miniſter, to pull him out of the fire if it had been poſſible: and not long after, me thought I ſaw ſome overture thereof, which I apprehended readily; a particularity I think be known to very few, and the which I do the rather relate unto your Lordſhip, becauſe I hear it ſhould be talked, that while my Lord was in *Ireland*, I revealed ſome matters againſt him, or I cannot tell what; which if it were not a mear ſlander as the reſt is, but had any, though never ſo little colour, was ſurely upon this occaſion. The Queen one day at *Nonesuch*, a little (as I remember) before *Cadiz* coming over, I attending on her, ſhewed a paſſionate diſtaſt of my Lords proceedings in *Ireland*, as if they were unfortunate, without judgment, contemptuous, and not without ſome private end of his own, and all that might be, and was pleaſed, as ſhe ſpake of it to many that ſhe truſted leſt, ſo to fall into the like ſpeech with me; whereupon I who was ſtill awake, and true to my grounds which I thought ſureſt for my Lords good, ſaid to this effect: Madam, I know not the particulars of Eſtate, and I know this, that Princes actions muſt have no abrupt periods or concluſions, but otherwiſe I would think, that if you had my Lord of *Eſſex* here with a white ſtaff in his hand, as my Lord of *Leiceſter* had, and continued him ſtill about you for ſociety to your ſelf, and for an honor and ornament to your Attendance and Court in the eyes, of your people, and in the eyes of forraign Ambaſſadors, than were he in his right element: for, to diſcontent him as you do, and yet to put arms and power into his hands, may be a kind of temptation to make him prove comberſome and unruly. And therefore if you would *imponere hanc clauſulam*, and ſend for him, and ſatisfie him with honour here near you, if your affairs which (as I have ſaid) I am not acquainted with, will permit it, I think were the beſt way. Which courſe your Lordſhip knoweth, if it had been taken then all had been well, and no contempt in my Lords coming over, nor continuance of theſe jealouſies, which that employment of *Ireland* bred, and my Lord here in his former greatneſs. Well, the next news that I heard, was that my Lord was come over, and that he was committed to his Chamber for leaving *Ireland* without the Queens licence: this was at *Nonesuch*, where (as my duty was) I came to his Lordſhip, and talked with him privately about a quarter of an hour, and he aſked mine opinion of the courſe was taken with him; I told him: My Lord, *Nubecula eſt, cito tranſibit*: it is but a miſt: but ſhal I tell your Lordſhip, it is as miſts are: if it go upwards, it may perhaps cauſe a ſhowre; if downwards it will clear up. And therefore good my Lord carry it ſo, as you take away by all means all umbrages and diſtaſts from the Queen, and eſpecially if I were worthy to adviſe you, as I have been by your ſelf thought, and now your queſtion imports the continuance of that opinion) obſerve three points: Firſt, make not this ceſſation or peace, which is concluded with *Tyrone*, as a ſervice wherein you glory, but as a ſhuffling up of a proſecution which was not very fortunate. Next, repreſent not to the Queen any neceſſity of eſtate, whereby as by a coercion or wrench, ſhe ſhould think her ſelf inforced to ſend you back into *Ireland*; but leave it to her. Thirdly, ſeek acceſſe *importune, oppertune*, ſeriouſly, ſportingly every way. I remember my Lord was willing

willing to hear me, but ſpake very few words, and ſhaked his head ſometimes, as if he thought I was in the wrong; but ſure I am, he did juſt contrary in every one of theſe three points. After this, during the while ſince my Lord was committed to my Lord Keepers, I came divers times to the Queen, as I had uſed to do, about cauſes of her revenue and law buſineſs, as is well known: by reaſon of which acceſſes, according to the ordinary charities of Court, it was given out, that I was one of them that incenſed the Queen againſt my Lord of *Eſſex*. Theſe ſpeeches I cannot tell, nor I will not think that they grew any way from her Majeſties own ſpeeches, whoſe memory I will ever honour: if they did, ſhe is with God, and *miſerum eſt ab illis lædi, de quibus non poſſis queri.* But I muſt give this teſtimony to my Lord *Cecil*, that one time in his houſe at the *Savoy* he dealt with me directly, and ſaid to me; Couſin, I hear it, but I believe it not, that you ſhould do ſome ill office to my Lord of *Eſſex*: for my part I am meerly paſſive and not active in this action, and I follow the Queen, and that heavi y, and I lead her not; my Lord of *Eſſex* is one that in nature I could conſent with as well as with any one living; the Queen indeed is my Soveraign, and I am her creature, I may not loſe her, and the ſame courſe I would wiſh you to take: whereupon I ſatisfied him how far *I* was from any ſuch mind. And as ſometimes it cometh to paſs, that mens inclinations are opened more in a toy, than in a ſerious matter: A little before that time, being about the midle of *Michaelmas* Term, her Majeſty had a purpoſe to dine at my lodge at *Twicknam* Park, at which time *I* had (though *I* profeſs not to be a Poet) prepared a Sonnet directly tending and alluding to draw on her Majeſties reconcilement to my Lord, which *I* remember alſo, ſhewed to a great perſon, & one of my Lords neareſt friends, who commended it: this, though it be (as *I* ſaid) but a toy, yet it ſhewed plainly in what ſpirit *I* proceeded, and that *I* was ready not only to do my Lord good offices, but to publiſh and declare my ſelf for him; and never was ſo ambitious of any thing in my life time, as *I* was to have carried ſome token or favour from her Majeſty to my Lord, uſing all the art *I* had, both to procure her Majeſty to ſend, and my ſelf to be the meſſenger: for as to the former *I* feared not to alledge to her, that this proceeding toward my Lord, was a thing towards the people very implauſible, and therefore wiſhed her Majeſty however ſhe did, yet to diſcharge her ſelf of it, and lay it upon others; and therefore that ſhe ſhould intermix her proceeding with ſome immediate graces from her ſelf, that the world might take knowledge of her Princely nature and goodneſs, leſt it ſhould alienate the hearts of her people from her, which *I* did ſtand upon, knowing well that if ſhe once relented to ſend or viſit, thoſe demonſtrations would prove matter of ſubſtance for my Lords good. And to draw that employment upon my ſelf, *I* adviſed her Majeſty, that whenſoever God ſhould move her to turn the light of her favours towards my Lord, to make ſignification to him thereof: that her Majeſty, if ſhe did it not in perſon, would at the leaſt uſe ſome ſuch mean as might not intitle themſelves to any part of the thanks, as perſons that were thought mighty with her to work her, or to bring her about; but to uſe ſome ſuch as could not be thought but a meer conduct of her own goodneſs: but *I* could never prevail with her, though *I* am perſwaded ſhe ſaw plainly whereat *I* levelled: but ſhe plainly had me in jealouſie, that *I* was not hers intirely,

but

but ſtill had inward and deep reſpects towards my Lord, more than ſtood at that time with her will and pleaſure. About the ſame time I remember an anſwer of mine in a matter which had ſome affinity with my Lords cauſe, which though it grew from me, went after about in others names. For her Majeſty being mightily incenſed with that Book which was dedicated to my Lord of *Eſſex*, being a ſtory of the firſt year of king *Henry* the fourth, thinking it a ſeditious prelude to put into the peoples head boldneſs and faction, ſaid, She had an opinion that there was treaſon in it, and asked me if I could not find any places in it, that might be drawn within caſe of treaſon: whereto I anſwered; for treaſon ſurely I found none, but for felony very many. And when her Majeſty haſtily asked me wherein; I told her, the Author had committed, very apparent theft, for he had taken moſt of the ſentences of *Cornelius Tacitus*, and tranſlated them into Engliſh, and put them into his Text. And another time when the Queen would not be perſwaded, that it was his writing whoſe name was to it, but that it had ſome more miſchievous Author, and ſaid with great indignation, that ſhe would have him racked to produce his Author; I replyed, Nay, Madam, he is a Doctor, never rack his perſon, but rack his ſtile; let him have pen, ink, and paper, and help of books, and be enjoyned to continue the Story where it breaketh off, and I will undertake by collecting the ſtiles, to judge whether he were the Author or no. But for the main matter, ſure I am, when the Queen at any time asked mine opinion of my Lords caſe, I ever in one tenor, ſaid unto her: that they were faults which the Law might term Contempts, becauſe they were the tranſgreſſion of her particular directions and inſtructions: but then what defence might be made of them, in regard of the great intereſt the perſon had in her Majeſties favour, in regard of the greatneſs of his place, and the ampleneſs of his Commiſſion; in regard of the nature of the buſineſs being action of war, which in common caſes cannot be tyed to ſtrictneſs of inſtructions, in regard of the diſtance of the place, having alſo a ſea between, that demands and commands, muſt be ſubject to wind and weather; in regard of a councel of State in *Ireland*, which he had at his back to avow his actions upon; and laſtly, in regard of a good intention that he would alledge for himſelf, which I told her in ſome religions was held to be a ſufficient diſpenſation for Gods commandements, much more for Princes. In all theſe regards, I beſought her Majeſty to be adviſed again and again, how ſhe brought the cauſe into any publick queſtion: nay, I went further, for I told her, my Lord was and eloquent and well ſpoken man, and beſides his eloquence of nature or art, he had an eloquence of accident which paſſed them both, which was the pity and benevolence of his hearers; and therefore that when he ſhould come to his anſwer for himſelf, I doubted his words would have ſo unequal paſſage above theirs that ſhould charge him, as would not be for her Majeſties honour; and therefore wiſhed the concluſion might be, that they might wrap it up privately between themſelves, and that ſhe would reſtore my Lord to his former attendance, with ſome addition of honour to take away diſcontent. But this I will never deny, that I did ſhew no approbation generally of his being ſent back again into *Ireland*, both becauſe it would have carried a repugnancy with my former diſcourſe, and becauſe I was in mine own heart fully perſwaded, that it was not good, neither for the

Queen, nor for the State, nor for himself: and yet I did not dissawde it neither, but left it ever as *locus lubricus*. For this particularity I do well remember that after your Lordship was named for the place in *Ireland*, and not long before your going, it pleased her Majesty at *White-hall* to speak to me of that nomination: at which time I said to her: Surely, Madam, if you mean not to imploy my Lord of *Essex* thither again, your Majesty cannot make a better choise, and was going on to show some reason and her Majesty interrupted me with great passion: *Essex*! (said she) whensoever I send *Essex* back again into *Ireland*, I will Marry you, claim it of me: whereunto I said; Well, Madam, I will release that contract if his going be for the good of your State. Immediately after the Queen had thought of a course (which was also executed) to have somewhat published in the Star-chamber, for the satisfaction of the world touching my Lord of *Essex* his restraint, and my Lord of *Essex* not to be called to it, but occasion to be taken by reason of some Libels then dispersed; which when her Majesty propounded unto me, I was utterly against it; and told her plainly, that the people would say, that my Lord was wounded upon his back, and that justice had her balance taken from her, which ever consisted of an accusation and defence, with many other quick and significant tearms to that purpose: insomuch that I remember I said, that my Lord *in foro famæ* was too hard for her; and therefore wished her as I had done before, to wrap it up privately. And certainly I offended her at that time, which was rare with me: for I call to mind that both the *Christmas*, *Lent*, and *Easter* Term following, though I came divers times to her upon Law business, yet me thought her face and manner was not so clear and open to me, as it was at the first. And she did directly charge me, that I was absent that day at the Star-chamber, which was very true; but I alledged some indisposition of body to excuse it: and during all the time aforesaid, there was *altum silentium* from her to me touching my Lord of *Essex* causes.

But towards the end of *Easter* Term, her Majesty brake with me, and told me that she had found my words true, for that the proceeding in the Star chamber had done no good, but rather kindled factious bruits (as she termed them) than quenched them, and therefore that she was determined now for the satisfaction of the world, to proceed against my Lord in the Star-chamber by an information *ore tenus*, and to have my Lord brought to his answer: howbeit she said, she would assure me that whatsoever she did, should be towards my Lord *ad castigationem, & non ad destructionem*, as indeed she had often repeated the same phrase before: whereunto I said (to the end utterly to divert her:) Madam, if you will have me speak to you in this argument, I must speak to you as Frier *Bacons* head spake, that said first, *Time is*, and then, *Time was*, and *Time would never be*; for certainly (said I) it is now far too late, the matter is cold, and hath taken too much wind; whereat she seemed again offended, and rose from me, and that resolution for a while continued; and after, in the beginning of *Midsummer* Tearm, I attending her, and finding her settled in that resolution (which I heard of also otherwise) she falling upon the like speech, it is true, that seeing no other remedy, I said to her slightly, Why, Madam, if you will needs have a proceeding, you were best have it in some such sort as *Ovid* spake of his Mistress, *Est aliquid luce patente minus*, to make

make a Counſel-table matter of it, and there an end; which ſpeech again ſhe ſeemed to take in ill part, but yet I think it did good at that time, and helped to divert that courſe of proceeding by information in the Star-chamber. Nevertheleſs, afterwards it pleas'd her to make a more ſolemn matter of the proceeding, and ſome few days after, when order was given that the matter ſhould be heard at *York-houſe*, before an Aſſembly of Councellers, Peers, and Judges, and ſome audience of men of quality to be admitted: and then did ſome principal Councellers ſend for us of the learned Councel, and notifie her Majeſties pleaſure unto us, ſave that it was ſaid to me openly by one of them, that her Majeſty was not yet reſolved whether ſhe would have me forborn in the buſineſs or no. And hereupon might ariſe that other ſiniſter and untrue ſpeech that I hear is raiſed of me, how I was a Suiter to be uſed againſt my Lord of *Eſſex* at that time: for it is very true, that I that knew well what had paſſed between the Queen and me, and what occaſion I had given her both of diſtaſt and diſtruſt, in croſſing her diſpoſition, by ſtanding ſtedfaſtly for my Lord of *Eſſex*, and ſuſpecting it alſo to be a ſtratagem ariſing from ſome particular emulation, I writ to her two or three words of complement, ſignifying to her Majeſty, that if ſhe would be pleaſed to ſpare me in my Lord of *Eſſex* cauſe, out of the conſideration ſhe took of my obligation towards him, I ſhould reckon it for one of her greateſt favours: but otherwiſe deſiring her Majeſty to think that I knew the degrees of duties, and that no particular obligation whatſoever to any ſubject could ſupplant or weaken that entireneſs of duty that I did owe and bear to her and her ſervice; and this was the goodly ſuite I made, being a reſpect no man that had his wits could have omitted: but nevertheleſs I had a further reach in it, for I judged that days work would be a full period of any bitterneſs or harſhneſs between the Queen and my Lord, and therefore if I declared my ſelf fully according to her mind at that time, which could not do my Lord any manner of prejudice, I ſhould keep my credit with her ever after, whereby to do my Lord ſervice, Hereupon the next news that I heard, was, that we were all ſent for again, and that her Majeſties pleaſure was, we all ſhould have parts in the buſineſs; and the Lords falling into diſtribution of our parts, it was allotted to me, that I ſhould ſet forth ſome undutiful carriages of my Lord in giving occaſion and countenance to a ſeditious Pamphlet, as it was termed, which was dedicated unto him, which was the Book before mentioned of King *Henry* the fourth. Whereupon I replyed to that allotment, and ſaid to their Lordſhips, that it was an old matter, and had no manner of coherence with the reſt of the Charge, being matters of *Ireland*, & therefore that I having been wronged by bruits before, this would expoſe me to them more; and it would be ſaid, I gave in evidence mine own tales. It was anſwered again with good ſhew, that becauſe it was conſidered how I ſtood tyed to my Lord of *Eſſex*, therefore that part was thought fitteſt for me, which did him leaſt hurt: for that whereas all the reſt was matter of Charge and Accuſation, this only was but matter of Caveat and Admonition. Wherewith though I was in mine one mind little ſatisfied, becauſe I knew well a man were better to be charged with ſome faults, than admoniſhed of ſome others: yet the concluſion binding upon the Queens pleaſure directly, *volens nolens*, I cou'd not avoid that part that was laid upon me; which part if in the delivery I did handle not ten-

derly (though no man before me did in ſo clear tearms free my Lord from all diſloyalty as I did) that your Lordſhip knoweth, muſt be aſcribed to the ſuperiour duty I did owe to the Queens fame and honour in a publick proceeding, and partly to the intention I had to uphold my ſelf in credit and ſtrength with the Queen, the better to be able to do my Lord good offices afterwards: for as ſoon as this day was paſt, I loſt no time, but the very next day following (as I remember) I attended her Majeſty, fully reſolved to try and put in ure my utmoſt endeavour (ſo far as I in my weakneſs could give furtherance) to bring my Lord again ſpeedily into Court and Favour, and knowing (as I ſuppoſed at leaſt) how the Queen was to be uſed, I thought that to make her conceive that the matter went well then, was the way to make her leave off there; and I remember well, I ſaid to her, you have now Madam obtained victory over two things, which the greateſt Princes in the world cannot at their will ſubdue: the one is over Fame, the other is over a great Mind: for ſurely the world is now (I hope) reaſonably well ſatisfied; and for my Lord, he did ſhew that humiliation towards your Majeſty, as I am perſwaded he was never in his life time more fit for your favour than he is now: therefore if your Majeſty will not marr it by lingring, but give over at the beſt, and now you have made ſo good a full point, receive him again with tenderneſs, I ſhall then think that all that is paſt, is for the beſt. Whereat I remember ſhe took exceeding great contentment, and did often iterate and put me in mind, that ſhe had ever ſaid, that her proceedings ſhould be *ad reparationem*, and not *ad ruinam*, as who ſaith, that now was the time I ſhould well perceive, that that ſaying of hers ſhould prove true. And further ſhe willed me to ſet down in writing all that paſſed that day. I obeyed her commandment, and within ſome few days brought her again the narration, which I did read unto her at two ſeveral afternoons: and when I came to that part that ſet forth my Lords own anſwer, (which was my principal care) I do well bear in mind, that ſhe was extraordinarily moved with it, in kindneſs and relenting towards my Lord, and told me afterwards (ſpeaking how well I had expreſſed my Lords part) that ſhe perceived old love would not eaſily be forgotten: whereto I anſwered ſuddenly, that I hoped ſhe meant that by her ſelf. But in concluſion I did adviſe her, that now ſhe had taken a repreſentation of the matter to her ſelf, that ſhe would let it go no further: for, Madam, (ſaid I) the fire blazeth well already, what ſhould you tumble it? and beſides it may pleaſe you keep to a convenience with your ſelf in this caſe: for ſince your expreſs direction was, there ſhould be no Regiſter nor Clarke to take this Sentence, nor no Record or Memorial made up of the Proceeding, why ſhould you now do that popularly, which you would not admit to be done judicially? Whereupon ſhe did agree, that that writing ſhould be ſuppreſſed, and I think there were not five perſons that ever ſaw it. But from this time forth during the whole latter end of that Summer, while the Court was at *Nonſuch* and *Otlands*, I made it my task and ſcope to take and give occaſions for my Lords reintegration in his fortune: which my intention I did alſo ſignifie to my Lord, aſſoon as ever he was at his liberty; whereby I might without peril of the Queens indignation write to him, and having received from his Lordſhip a courteous and loving acception of my good will and indeavours, I did apply it in all my acceſſes to the Queen, which

were

were very many at that time, and purpoſely ſought and wrought upon other variable pretences, but only and chiefly for that purpoſe. And on the otherſide, I did not forbear to give my Lord from time to time faithful advertiſement what I found, and what I wiſhed. And I drew for him by his appointment ſome letters to her Majeſty, which though I knew well his Lordſhips gift and ſtile was far better than mine own, yet becauſe he required it, alledging that by his long reſtraint he was grown almoſt a ſtranger to the Queens preſent conceipts, I was ready to perform it: and ſure I am, that for the ſpace of ſix weeks, or two months it proſpered ſo well, as I expected continually his reſtoring to his attendance. And I was never better welcome to the Queen, nor more made of, than when I ſpake fulleſt and boldeſt for him: in which kind the particulars were exceeding many, whereof for an example I will remember to your Lordſhip one or two, as at one time I call to mind, her Majeſty was ſpeaking of a Fellow that undertook to Cure, or at leaſt to Eaſe my Brother of his Gout, and asked me how it went forward; and I told her Majeſty, that at the firſt he received good by it, but after in the courſe of his Cure he found himſelf at a ſtay or rather worſe: the Queen ſaid again, I will tell you *Bacon* the errour of it; the manner of theſe Phyſitians, and eſpecially theſe Empericks, is to continue one kind of Medicine, which at the firſt is proper, being to draw out the ill humor, but after they have not the diſcretion to change their Medicine, but apply ſtill drawing Medicines, when they ſhould rather intend to cure and corroborate the part. Good Lord, Madam, (ſaid I) how wiſely and aptly can you ſpeak, and diſcern of Phyſick miniſtred to the body, and conſider not that there is the like occaſion of Phyſick miniſtred to the mind: as now in the caſe of my Lord of *Eſſex*, your Princely word ever was, that you intended ever to reform his mind, and not ruin his fortune: I know well you cannot but think that you have drawn the humor ſufficiently, and therefore it were more than time, and it were but for doubt of mortifying or exulcerating, that you did not apply and miniſter ſtrength and comfort unto him: for theſe ſame gradations of yours are fitter to corrupt than correct any mind of greatneſs, And another time I remember ſhe told me for news, that my Lord had written unto her ſome very dutiful Letters, and that ſhe had been moved by them, and when ſhe took it to be the abundance of the heart, ſhe found it to be but a preparative to a ſuit for the renuing of his Farm of ſweet Wines: whereunto I replyed; O Madam, how doth your Majeſty conſtrue theſe things, as if theſe two could not ſtand well together, which indeed nature hath planted in all creatures. For there are but two ſympathies, the one towards *Perfection*, the other towards *Preſervation* That to Perfection, as the Iron contendeth to the Loadſtone: that to Preſervation, as the Vine will creep towards a ſtake or prop that ſtands by it, not for any love to the ſtake, but to uphold it ſelf. And therefore, Madam, you muſt diſtinguiſh my Lords deſire to do you ſervice, is as to his perfection, that which he thinks himſelf to be born for: whereas his deſire to obtain this thing of you, is but for a ſuſtentation. And not to trouble your Lordſhip with many other particulars like unto theſe, it was at the ſelf ſame time that I did draw with my Lords privity, and by his appointment, two letters, the one written as from my Brother, the other as an anſwer returned from my Lord, both to be by me

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in ſecret manner ſhewed to the Queen, which it pleaſed my Lord very ſtrangely to mention at the Bar: the ſcope of which were but to repreſent and picture forth unto her Majeſty my Lords mind to be ſuch, as I knew her *Majeſty* would faineſt have had it, which letters whoſoever ſhall ſee, (for they cannot now be retracted or altered, being by reaſon of my Brothers, or his Lordſhips ſervants delivery, long ſince come into divers hands) let him judge, eſpecially if he knew the Queen, and do remember thoſe times, whether they were not the labours of one that ſought to bring the Queen about for my Lord of *Eſſex* his good. The troth is, that the iſſue of all his dealing grew to this, that the Queen by ſome ſlackneſs of my Lords, as I imagine, liked him worſe and worſe, and grew more incenſed towards him. Then, ſhe remembring belike the continual, and inceſſant, and confident ſpeeches and courſes that I had held on my Lords ſide, became utterly alienated from me, and for the ſpace of (at leaſt) three months, which was between *Michaelmas* and *New-years-tide* following, would not ſo much as look on me, but turned away from me with expreſs and purpoſe-like diſcountenance whereſoever ſhe ſaw me: and at ſuch time as I deſired to ſpeak with her about Law-buſineſs, ever ſent me forth very ſlight refuſals, inſomuch as it is moſt true, that immediately after *New-years-tide* I deſired to ſpeak with her; and being admitted to her, I dealt with her plainly, and ſaid: *Madam*, I ſee you withdraw your favour from me, and now I have loſt many friends for your ſake, I ſhall loſe you too: you have put me like one of thoſe that the French-men call *Enfans perdus*, that ſerve on foot before horſemen, ſo have you put me into matters of envy without place, or without ſtrength: and I know at Cheſs a pawn before the King, is ever much plaid upon: a great many love me not, becauſe they think I have been againſt my Lord of *Eſſex*; and you love me not, becauſe you know I have been for him: yet will I never repent me, that I have dealt in ſimplicity of heart towards you both, without reſpect of cautions to my ſelf: and therefore *vivus videnſque pereo.* If I do break my neck, I ſhall do it in a manner as *Maſter Dorrington* did it, which walked on the Battlements of the Church many days, and took a view and ſurvey where he ſhould fall: and ſo, *Madam*, (ſaid I) I am not ſo ſimple, but that I take a proſpect of mine overthrow, only I thought I would tell you ſo much, that you may know that it was faith, and not folly that brought me into it, and ſo I will pray for you. Upon which ſpeeches of mine uttered with ſome paſſion (it is true her Majeſty was exceedingly moved; and accumulated a number of kind and gracious words upon me, and willed me to reſt upon this, *Gratia mea ſufficit*, and a number of other ſenſible and tender words and demonſtrations, ſuch as more could not be; but as touching my Lord of *Eſſex*, *ne verbum quidem.* Whereupon I departed, reſting then determined to meddle no more in the matter; as that, that I ſaw would overthrow me, and not be able to do him any good. And thus I made mine own peace with mine own confidence at that time; and this was the laſt time I ſaw her Majeſty, before the eight of *February*, which was the day of my Lord of *Eſſex* his misfortune, after which time, for that I performed at the Bar in my publick ſervice, your Lordſhip knoweth by the rules of duty, that I was to do it honeſtly, and without prevarication: but for any putting my ſelf into it, I proteſt before God, I never moved either the Queen, or the perſon

ſon living concerning my being uſed in the ſervice, either of evidence or examination: but it was meerly laid upon me with the reſt of my fellows. And for the time which paſſed, I mean between the arraignment and my Lords ſuffering, I well remember I was but once with the Queen, at what time though I durſt not deal directly for my Lord as things then ſtood; yet generally I did both commend her Majeſties mercy, terming it to her as an excellent balm that did continually diſtil from her Soveraign hands, and made an excellent odour in the ſenſes of her people: and not only ſo, but I took hardneſs to extenuate, not the fact, for that I durſt not; but the danger, telling her that if ſome baſe or cruel minded perſons had entered into ſuch an action, it might have cauſed much blood and combuſtion: but it appeared well they were ſuch as knew not how to play the Malefactors, and ſome other words which I now omit. And as for the reſt of the carriage of my ſelf in that ſervice, I have many honorable witneſſes that can tell that the next day after my Lords arraignment, by my diligence and information touching the quality and nature of the offendors, ſix of nine were ſtayed, which otherwiſe had been attainted, I bringing their Lordſhips letter for their ſtay, after the Jury was ſworn to paſs upon them; ſo near it went: and how careful I was and made it my part, that whoſoever was in trouble about that matter, ſoon as ever his caſe was ſufficiently known and defined of, might not continue in reſtraint, but be ſet at liberty: and many other parts, which I am well aſſured of ſtood with the duty of an honeſt man. But indeed I will not deny for the caſe of Sir *Thomas Smith* of *London*, the Queen demanding my opinion of it, I told her, I thought it was as hard as many of the reſt: but what was the reaſon? becauſe at that time I had ſeen only his accuſation, and had never been preſent at any examination of his: and the matter ſo ſtanding, I had been very untrue to my ſervice, if I had not delivered that opinion. But afterwards upon a re-examination of ſome that charged him, who weakned their own teſtimony; and eſpecially hearing himſelf *viva voce*, I went inſtantly to the Queen out of the ſoundneſs of my conſcience, and not regarding what opinion I had formerly delivered, told her Majeſty, I was ſatisfied and reſolved in my conſcience, that for the reputation of the action, the plot was to countenance the action further by him in reſpect of his place, than they had indeed any intereſt or intelligence with him. It is very true alſo, about that time her Majeſty taking a liking of my Pen, upon that which I had done before concerning the proceeding at *York-houſe*, and likewiſe upon ſome other declarations, which in former times by her appointment I put in writing, commanded me to pen that book, which was publiſhed for the better ſatisfaction of the world: which I did but ſo, as never Secretary had more particular, and expreſs directions and inſtructions in every point how to guide my hand in it: and not only ſo, but after that I had made a firſt draught thereof and propounded it to certain principal Councellors, by her Majeſties appointment, it was peruſed, weighed, cenſured, altered, and made almoſt anew, writing according to their Lordſhips better conſideration: wherein their Lordſhips and my ſelf both were as religious and curious of truth, as deſirous of ſatisfaction: and my ſelf indeed gave only words and form of ſtile in purſuing their direction. And after it had paſſed their allowance, it was again exactly peruſed by the Queen her ſelf, and ſome alterations made again by her

her appointment: nay, and after it was ſet to print, the Queen, who as your Lordſhip knoweth, as ſhe was excellent in great matters, ſo ſhe was exquiſite in ſmall: and noted that I cou'd not forget my ancient reſpect to my Lord of *Eſſex* in terming him ever my Lord of *Eſſex*, my Lord of *Eſſex* almoſt in every page of the Book, which ſhe thought not fit, but would have it made, *Eſſex*, or the late Earl of *Eſſex*: whereupon of force it was printed *de novo*, and the firſt copies ſuppreſſed by her peremptory commandment. And this my good Lord, to my furtheſt remembrance, is all that paſſed wherein I had part, which I have ſet down as near as I could in the very words and ſpeeches that were uſed, not becauſe they are worthy the repetition, I mean thoſe of mine own; but to the end your Lordſhip may lively and plainly diſcern between the face of truth, and a ſmooth tale. And the rather alſo, becauſe in things that paſſed a good while ſince, the very words and phraſes did ſometimes bring to my remembrance the matters, wherein I report me to your honorable judgement, whether you do not ſee the traces of an honeſt man: and had I been as well believed either by the Queen or by my Lord, as I was well heard by them both, both my Lord had been fortunate, and ſo had my ſelf in his fortune.

To conclude therefore, I humbly pray your Lordſhip to pardon me for troubling you with this long Narration, and that you will vouchſafe to hold me in your good opinion, till you know I have deſerved, or finde that I ſhall deſerve the contrary; and even ſo I continue,

At your Lordſhips Honourable

commandments very humbly.

THE

THE TRANSLATION OF CERTAIN PSALMS, INTO ENGLISH VERSE.

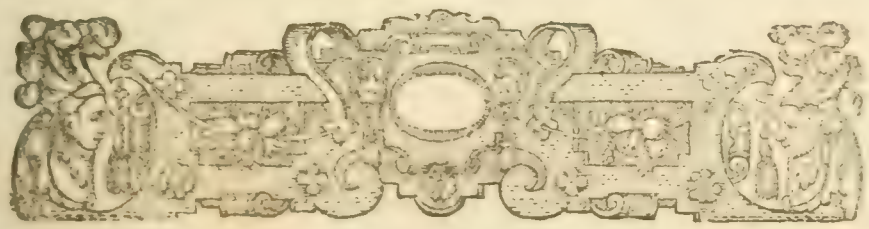
BY

The Right Honorable,

FRANCIS

LORD VERULAM,

Viſcount St. Alban.



LONDON:

Printed for *H. B.* and *R. W.*

1671.

TO HIS

Very Good Friend,

Mr. GEORGE HERBERT.

THE pains, that it pleased you to take, about some of my Writings, I cannot forget: which did put me in minde, to Dedicate to you, this poor Exercise of my Sickness. Besides, it being my manner for Dedications, to choose those that I hold most fit for the Argument, I thought, that in respect of Divinity, and Poesie, met, (whereof the one is the Matter, the other the Stile of this little Writing) I could not make better choice. So, with signification of my Love and Acknowledgement, I ever rest

Your affectionate Friend,

ER. St. ALBAN.

A Speech delivered by Sir *Francis Bacon*, the King's Attourney General, at the Arraignment of the Lord *Sanquere* in the *Kings-bench* at *Weſtminſter*.

The Argument.

The Lord Sanquere *a* Scotch *Nobleman, having in private revenge ſuborned* Robert Carlile, *to Murther* John Turner *Maſter of Fence, thought by his Greatneſs to have born it out, but the King reſpecting nothing ſo much as Juſtice, would not ſuffer Nobility to be a ſhelter for Villany, but according to the Law on the* 29. *of* June 1612. *the ſaid Lord* Sanquere, *having been Arraigned and Condemned, by the name of* Robert Crieghton, *Eſq. was before* Weſtminſter-hall gate *Executed, where he died very penitent. At whoſe Arraignment my Lord* Bacon (*then Attourney General to King* James) *made this Speech following.*

IN this Cauſe of Life and Death, the Jurics part is in effect diſcharged, for after a frank and formal Confeſſion their labour is at an end, ſo that what hath been ſaid by my ſelf is rather convenient than neceſſary.

My Lord *Sanquere*, your fault is great, it cannot be extenuated, and it need not be aggravated, and (if needed) you have made ſo full an Anatomy of it out of your own feeling, as it cannot be matched by my ſelf or any man elſe in my conceit.

This Chriſtian and penitent courſe of yours draws me thus far, that I agree, that as even in extream evils there are degrees, ſo this inſtance of your offence is not of the higheſt ſtrain; for if you had thought to take away a mans life for his Vineyard as *Ahab* did, or for Envy as *Cain* did, ſurely the offence had been more odious. Your temptation was Revenge, which the more natural it is to man, the more have Laws both divine and humane ſought to repreſs, (*Mihi vindicta*) but in one thing you and I ſhall never agree, that generous Spirits are hard to forgive, no, contrariwiſe generous and magnanimous Minds are readieſt to forgive, and it is a weakneſs and impotency of mind to be unable to forgive.

But to the purpoſe, Howſoever Murther may ariſe from ſeveral motives leſs or more odious, yet the Law both of God and Man involves them in one degree, and therefore you may read that in *Joab's* caſe, which was a Murther upon Revenge, and matched with your caſe; he for a dear Brother, and you for a dear part of your own blood, yet there was a ſevere Charge given that ſhould not paſs unpuniſhed.

And certainly the Circumſtance of time is heavy upon you. it is now five years ſince this unfortunate man *Turner*, be it upon accident or deſpight gave the provocation, which was the ſeed of your Malice. All paſſions are aſſwaged with time, love, hatred, grief, &c. all fire burns out with time, if now new fewel be put to it, for you to have the gaul of

bitterneſs ſo long, and to have been in a reſtleſs caſe of his blood is a ſtrange example, And I muſt tell you plainly, that I conceive you have rather ſuckt thoſe affections of dwelling in malice out of *Italy*, and Outlandiſh Manners, where you have converſed, then out of any part of this Iſland of *England* or *Scotland*.

But now further, my Lord, I would have you look a little upon this offence in the glaſs of Gods judgement, that God may have the glory: You have friends and entertainment in Forraign Parts, it had been an eaſie thing for you to have ſet *Carlile*, or ſome other Blood-hound a work, when your perſon had been beyond the Seas, and to this news might have come to you in a Pacquet, and you might have looked on how the ſtorms would paſs; but God bereft you of this providence, and found you here under the hand of a King, though abundant in clemency, yet no leſs zealous of Juſtice.

Again, when you came in at *Lambeth*, you might have perſiſted in the denial of the procurement of the fact, *Carlile* (a reſolute man) might have cleared you, for they that are reſolute in Miſcheif, are commonly obſtinate in concealing their procurors, and ſo nothing ſhould have been againſt you but preſumption. But then God to take away obſtruction of Juſtice, gave you the grace (which ought indeed to move true comfort unto you more than any evaſion or deviſe whereby you might have eſcaped) to make a clear Confeſſion.

Other impediments there were not a few, which might have been an interruption to this days Juſtice, had not God in his providence removed them.

But now that I have given God the honour, let me give it where it is next due, that is to the King.

This Murther was no ſooner committed and brought to his Majeſties ears, but his juſt indignation (wherewith at the firſt he was moved) caſt it ſelf preſently into a great deal of care and providence to have Juſtice done.

Firſt came forth his Proclamation, ſomewhat of a rare form, and deviſed, and in effect directed to his Majeſty himſelf, ſignifying that he did proſecute the offendenrs (as it were) with breath and blaſts of his mouth. Then did his Majeſty ſtretch forth his long Armes (for Kings you know have long armes) one of them to the Sea, where he took hold of *Grey* ſhipped for *Sweden*, who gave the firſt light of teſtimony; the other arm to *Scotland*, and there took hold of *Carlile* ere he was warm in his houſe, and brought him the length of this Kingdome, under ſuch ſafe watch and cuſtody, as he could have no means to eſcape or miſchief himſelf, nor learn no leſſon to ſtand mute, in which caſes perhaps this days Juſtice might have received a ſtop; ſo that I conclude his Majeſty hath ſhewed himſelf Gods true Leiutenant, and that he is no Reſpector of Perſons, but Engliſh, Scotiſh, Nobleman, Fencer, (which is but an ignoble trade) are to him alike in reſpect of Juſtice.

Nay, I muſt ſay further, That his Majeſty hath had in this matter a kind of Prophetical Spirit, for from that time *Carlile* and *Grey*, and you (my Lord) were fled no man knew whether, to the four winds, The King ever ſpake in a confident and undertaking manner, That whereſoever the Offendors were in *Europe*, he would produce them forth to Juſtice.

Laſt.

Lastly, to return to you (my Lord) though your offence hath been great your Confession hath been free, and your behaviour and speech full of discretion, and this sheweth that although you could not resist the temptation, yet you bear a generous and a Christian mind, answerable to the Noble Family of which you are descended. This I commend unto you, and take it to be an assured testimony of Gods mercy and favour, in respect whereof all worldly things are but trash, and so it is fit for you, as your state now is, to account them.

The Reader, for his fuller information in this story of the Lord *Sanquere*, is desired to peruse the Case in the Ninth Book of my Lord *Cooks* Reports, at the end of which the whole Series of the Murder, and Tryal is exactly related.

A Prayer or Psalm made by my Lord *Bacon* Chancellour of *England*.

Most gracious Lord God, my merciful Father, from my youth up, my Creator, my Redeemer, my Comforter. Thou, O Lord, soundest and searchest the depths and secrets of all hearts, thou acknowledgest the upright of heart, thou judgest the Hypocrite. Thou ponderest mens thoughts and doings as in a ballance, thou measurest their intentions as with a line, vanity and crooked ways cannot be hid from thee.

Remember, O Lord, how thy servant hath walked before thee, remember what I have first sought, and what hath been principal in my intentions. I have loved thy Assemblies, I have mourned for the divisions of thy Church, I have delighted in the brightness of thy Sanctuary. This Vine which thy right hand hath planted in this Nation, I have ever prayed unto thee, that it might have the first and the latter Rain, and that it might stretch her branches to the Seas, and to the Floods. The state and bread of the Poor and Oppressed have been precious in mine eyes, I have hated all cruel and hardness of heart: I have (though in a despised weed) procured the good of all men. If any have been my enemies, I thought not of them, neither hath the Sun almost set upon my displeasure; but I have been as a Dove, free from superfluity of maliciousness. Thy Creatures have been my Books, but thy Scriptures much more. I have sought thee in the Courts, Fields, and Gardens, but I have found thee in thy Temples.

Thousands have been my sins and ten thousands my transgressions, but thy sanctifications have remained with me, and my heart (through thy grace) hath been an unquenched Coal upon thine Altar. O Lord, my strength, I have since my youth met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have encreased upon me, so have thy corrections: so as thou hast been always near me, O Lord, And ever as my worldly blessings were exalted, so secret darts from thee have pierced me; and when I have ascended before men, I have descended in humiliation before thee. And now when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me, according to thy former loving kindness, keeping me still in thy Fatherly School, not as a Bastard, but as a Child. Just are thy judgements upon me for my sins, which are more in number than the sands of the Sea, but no have proportion to thy mercies; for what are the Sands of the Sea, Earth, Heavens, and all these are nothing to thy mercies. Besides my innumerable sins, I confess before thee, that I am debtour to thee for the gracious Talent of thy gifts and graces, which I have neither put into a Napkin, nor put it (as I ought) to Exchangers, where it might have made best profit, but misspent it in things, for which I was least fit: so I may truly say, my Soul hath been a stranger in the course of my Pilgrimage. Be merciful unto me, O Lord, for my Saviours sake, and receive me unto thy bosome, or guide me in thy ways.

The Lord Bacon his Letter to the moſt Illuſtrious, and moſt Excellent Prince Charles, Prince of *Wales*, Duke of *Cornwall*, Earl of *Cheſter*, &c.

It may pleaſe your Highneſs,

IN part of my acknowledgment to your Highneſs, I have endeavoured to do honour to the memory of the laſt King of *England*, that was Anceſtor to the King your Father and your ſelf, and was that King to whom both unions may in a ſort refer, that of the Roſes being in him conſummate, and that of the Kingdomes by him begun: beſides his times deſerve it, for he was a wiſe man, and an Excellent King; and yet the times very rough and full of mutations and rare accidents: and it is with times, as it is with ways, ſome are more up hill and down hill, and ſome are more flat and plain, and the one is better for the liver, and the other for the writer: I have not flattered him, but took him to life as well as I could, ſitting ſo far of, and having no better light; it is true your Highneſs hath a living patern, incomparable of the King your Father, but is not amiſs for you alſo to ſee it in one of theſe Ancient Pieces: God preſerve your Highneſs.

Your Highneſs moſt humble

and devoted Servant,

Francis St. Alban.

THE

TRANSLATION
OF
The First Psalm.

WHo never gave to wicked read,
A yielding and attentive ear:
Who never Sinners paths did tread;
Nor sate him down in Scorners chair:
But maketh it his whole delight,
On Law of God to meditate,
And therein spendeth Day and Night;
That man is in a happy State.

He shall be like the fruitful Tree,
Planted along a running Spring,
Which in due season, constantly,
A goodly yield of Fruit doth bring.
Whose Leaves continue always green,
And are no Prey to Winters power:
So shall that man not once be seen
Surprized with an evil Hour.

With wicked Men it is not so,
Their Lot is of another kinde:
All as the Chaff, which to and fro,
Is tost at Mercy of the Winde.
And when he shall in Judgement plead,
A casting Sentence bide he must:
So shall he not lift up his Head,
In the Assembly of the Just.

For why? the Lord hath special Eye,
To be the Godlies Stay at call:
And hath given over, righteously,
The wicked Man to take his fall.

The Tranſlation of the 12. Pſalm.

HElp Lord, for godly Men have took their flight,
And left the Earth to be the Wicked's Den:
Not one that ſtandeth faſt to Truth and Right,
But fears, or ſeeks to pleaſe, the Eyes of Men.
When one with other fall's in talk apart,
Their meaning goeth not with their words, in proof;
But fair they flatter, with a cloven Heart,
By pleaſing words, to work their own behoof.

But God cut off the Lips, that are all ſet,
To trap the harmleſs Soul, that peace hath vow'd;
And pierce the Tongues, that ſeek to counterfeit
The Confidence of Truth, by lying loud:
Yet ſo they think to reign, and work their will,
By ſubtil Speech, which enters every where:
And ſay, Our Tongues are ours, to help us ſtill,
What need we any Higher Power to fear?

Now for the bitter ſighing of the Poor,
The Lord hath ſaid, I will no more forbear,
The Wicked's Kingdom to invade and ſcour,
And ſet at large the Men reſtrain'd in fear.
And ſure, the Word of God is pure, and fine,
And in the trial never looſeth waight;
Like Noble Gold, which ſince it left the Mine,
Hath ſeven times paſſed through the fiery ſtraight.

And now thou wilt not firſt thy Word forſake,
Nor yet the Righteous man, that leans thereto;
But will't his ſafe Protection undertake,
In ſpight of all, their force, and wiles can do.
And time it is, oh Lord, thou didſt draw nigh,
The wicked daily do enlarge their Bands;
And that, which makes them follow ill a vie,
Rule is betaken to unworthy Hands.

The Tranſlation of the 90 Pſalm.

O Lord, thou art our Home, to whom we fly,
And ſo haſt always been from Age to Age.
Before the Hills did intercept the Eye,
Or that the Frame was up of Earthly Stage,
One God thou wert, and art, and ſtill ſhalt be;
The Line of Time, it doth not meaſure thee.

Both Death and Life obey thy holy lore,
And viſit in their turns, as they are ſent.

A Thou-

A Thouſand years with thee, they are no more,
Than yeſterday, which, e're it is, is ſpent:
Or as a Watch by night, that courſe doth keep,
And goes, and comes, unwares to them that ſleep.

Thou carrieſt Man away as with a Tide;
Then down ſwim all his Thoughts, that mounted high;
Much like a mocking Dream, that will not bide,
But flies before the ſight of waking Eye;
Or as the Graſs, that cannot term obtain,
To ſee the Summer come about again.

At morning, fair it muſters, on the Ground,
At Even, it is cut down, and laid along:
And though it ſpared were and favour found,
The weather would perform the Mowers wrong:
Thus haſt thou hang'd our Life on brittle Pins,
To let us know, it will not bear our Sins.

Thou burieſt not within oblivious Tomb
Our Treſpaſſes, but entreſt them aright;
Even thoſe that are conceiv'd in Darkneſs Womb,
To thee appear, as done at broad day light.
As a Tale told, which ſometimes men attend,
And ſometimes not, our Life ſteals to an end.

The Life of Man is threeſcore years and ten,
Or if that he be ſtrong, perhaps fourſcore,
Yet all things are but labour to him then,
New ſorrows ſtill come on, Pleaſures no more;
Why ſhould there be ſuch turmoil and ſuch ſtrife
To ſpin in length this feeble Line of Life?

But who conſiders duely of thine Ire?
Or doth the thoughts thereof wiſely embrace?
For thou, O God, art a conſuming fire,
Frail Man, how can he ſtand before thy face?
If thy diſpleaſure thou doſt not refrain,
A Moment brings all back to Duſt again.

Teach us, O Lord, to number well our Days,
Thereby our hearts to Wiſdom to apply;
For that, which guids man beſt in all his ways,
Is Meditation of Mortality.
This bubble light, this vapour of our breath,
Teach us to conſecrate to hour of Death.

Return unto us Lord, and ballance now
With days of Joy, our days of Miſery;
Help us right ſoon, our knees to thee we bow,
Depending wholly on thy clemency;

Then ſhall thy Servants both with heart and voice,
All the days of their Life, in thee rejoyce.

Begin thy work, O Lord, in this our Age,
Shew it unto thy Servants that now live;
But to our Children raiſe it many a Stage
That all the World to thee may glory give.
Our handy work likewiſe, as fruitful Tree,
Let it, O Lord, bleſſed, not blaſted be.

The Tranſlation of the 104 Pſalm.

FAther and King of Powers, both high and low,
Whoſe ſounding Fame all creatures ſerve to blow;
My Soul ſhall with the reſt ſtrike up thy praiſe,
And Carol of thy works, and wondrous ways.
But who can blaze thy beauties, Lord, aright?
They turn the brittle Beams of mortal ſight.
Upon thy head thou wear'ſt a glorious Crown,
All ſet with Vertues, polliſht with Renown:
Thence round about a Silver Vail doth fall
Of Chriſtal Light, Mother of Colours all.
The Compaſs Heaven, ſmooth without grain, or fold,
All ſet with Spangs of glitt'ring Stars untold,
And ſtrip't with Golden Beams of Power unpent,
Is raiſed up for a removing Tent.
Vaulted and arched are his Chamber Beams,
Upon the Seas, the Waters, and the Streams:
The Clouds as Chariots ſwift do ſcour the Sky;
The ſtormy Winds upon their Wings do fly.
His Angels Spirits are, that wait his Will,
As Flames of Fire his Anger they fulfil.
In the beginning with a mighty Hand,
He made the Earth by Counterpoiſe to ſtand;
Never to move, but to be fixed ſtill;
Yet hath no Pillars but his Sacred Will.
This Earth, as with a Vail, once covered was,
The Waters over-flowed all the Maſs:
But upon his Rebuke away they fled,
And then the Hills began to ſhew their Head;
The Vales their hollow Boſomes opened plain,
The Streams ran trembling down the Vales again:
And that the Earth no more might drowned be
He ſet the Sea his Bounds of Liberty;
And though his Waves reſound, and beat the Shoar,
Yet it is bridled by his holy lore.
Then did the Rivers ſeek their proper places,
And found their Heads, their Iſſues, and their Races;
The Springs do feed the Rivers all the way,
And ſo the Tribute to the Sea repay:

Running along through many a pleaſant field,
Much fruitfulneſs unto the Earth they yield;
That know the Beaſts and Cattel feeding by,
Which for to ſlake their Thirſt do thither hie.
Nay Deſert Grounds the Streams do not forſake,
But through the unknown ways their Journey take:
The Aſſes wild that hide in Wilderneſs,
Do thither come, their Thirſt for to refreſh.
The ſhady Trees along their Banks do ſpring,
In which the Birds do build, and ſit, and ſing;
Stroking the gentle Air with pleaſant notes,
Plaining or chirping through their warbling throtes.
The higher Grounds, where Waters cannot riſe,
By Rain and Dews are watred from the Skies;
Cauſing the Earth put forth the Graſs for Beaſts,
And Garden Herbs, ſerv'd at the greateſt Feaſts;
And Bread that is all Viands Firmament,
And gives a firm and ſolid Nouriſhment;
And Wine Mans Spirits for to recreate;
And Oyl his face for to exhilarate.
The ſappy Cedars tall like Stately Towers,
High flying Birds do harbour in their Bowers;
The holy Storks that are the Travellers,
Chooſe for to dwell and build within the Firs;
The climbing Goats hang on ſteep Mountains ſide;
The digging Conies in the Rocks do bide.
The Moon, ſo conſtant in Inconſtancy,
Doth rule the Monthly Seaſons orderly;
The Sun, Eye of the World, doth know his Race,
And when to ſhew, and when to hide his Face.
Thou makeſt Darkneſs, that it may be Night,
When as the Savage Beaſts, that fly the Light,
(As conſcious of Mans Hatred) leave their Den,
And range abroad, ſecur'd from ſight of men.
Then do the Forreſts ring of Lions roaring,
That ask their Meat of God, their Strength reſtoring;
But when the Day appears, they back do fly,
And in their dens again do lurking lye.
Then Man goes forth to labour in the Field,
Whereby his Grounds more rich encreaſe may yield.
O Lord, thy Providence ſufficeth all,
Thy Goodneſs not reſtrain'd but general
Over thy Creatures, the whole Earth doth flow
With thy great largeneſs pour'd forth here below.
Nor is it Earth alone Exalts thy Name,
But Seas and Streams likewiſe do ſpread the ſame.
The rowling Seas unto the Lot doth fall,
Of Beaſts innumerable, great and ſmall;
There do the ſtately Ships plow up the Floods,
The greater Navies look like walking Woods;

The Fiſhes there far voyages do make,
To divers ſhores their Journey they do take;
There haſt thou ſet the great Leviathan,
That makes the Seas to ſeeth like boyling Pan;
All theſe do ask of thee their Meat to live,
Which in due ſeaſon thou to them doſt give.
Ope thou thy Hand, and then they have good fare;
Shut thou thy Hand, and then they troubled are.
All Life, and Spirit, from thy Breath proceed,
Thy Word doth all things generate and feed;
If thou withdraw'ſt it, then they ceaſe to be,
And ſtraight return to Duſt and vanitie;
But when thy Breath thou doſt ſend forth again,
Then all things do renew, and ſpring amain;
So that the Earth but lately deſolate
Doth now return unto the former State.
The glorious Majeſty of God above,
Shall ever raign, in Mercy, and in Love;
God ſhall rejoyce, all his fair works to ſee,
For, as they come from him, all perfect be.
The Earth ſhall quake, if ought his Wrath provoke,
Let him but touch the Mountains, they ſhall ſmoke.
As long as Life doth laſt, I Hymns will ſing,
With chearful voice, to the Eternal King;
As long as I have being, I will praiſe
The Works of God, and all his wondrous ways.
I know that he my words will not deſpiſe,
Thanksgiving is to him a Sacrifice.
But as for Sinners, they ſhall be deſtroy'd
From off the Earth, their Places ſhall be void.
Let all his Works praiſe him with one accord;
Oh praiſe the Lord, my Soul; praiſe ye the Lord.

The Tranſlation of the 126 Pſalm.

WHen God return'd us graciouſly
Unto our Native Land,
We ſeem'd as in a Dream to be
And in a Maze to ſtand.

The Heathen likewiſe they could ſay,
The God, that theſe men ſerve,
Hath done great Things for them this Day,
Their Nation to preſerve.

'Tis true, God hath pour'd out his Grace
On us abundantly,
For which we yield him Pſalms, and Praiſe,
And Thanks, with Jubilee.

O Lord

O Lord, turn our Captivity,
As Winds that blow at South,
Do pour the Tides with violence
Back to the Rivers Mouth.

Who ſowes in Tears, ſhall reap in Joy,
The Lord doth ſo ordain;
So that his Seed be pure and good,
His Harveſt ſhall be Gain.

The Tranſlation of the 137 Pſalm.

WHen as we ſate all ſad and deſolate,
By Babylon, upon the Rivers ſide,
Eas'd from the Tasks, which in our Captive ſtate,
We were enforced daily to abide,
Our Harps we had brought with us to the field,
Some Solace to our heavy Souls to yield.

But ſoon we found, we fail'd of our account,
For when our Minds ſome freedom did obtain,
Straight-ways the memory of Sion Mount,
Did cauſe afreſh our wounds to bleed again;
So that with preſent Griefs, and future Fears,
Our Eyes burſt forth into a ſtream of Tears.

As for our Harps, ſince Sorrow ſtrook them dumb,
We hang'd them on the Willow Trees were near;
Yet did our cruel Maſters to us come,
Asking of us ſome Hebrew Songs to hear;
Taunting us rather in our Miſery,
Than much delighting in our Melody.

Alas (ſaid we) who can once force or frame,
His grieved and oppreſſed Heart to ſing,
The Praiſes of Jehova's glorious Name,
In baniſhment, under a forraign King?
In Sion is his Seat, and dwelling Place,
Thence doth he ſhew the brightneſs of his Face.

Hieruſalem, where God his Throne hath ſet,
Shall any Hour abſent thee from my mind?
Then let my right Hand quite her Skill forget,
Then let my voice, and words, no paſſage finde;
Nay if I do not thee prefer in all,
That in the compaſs of my thoughts can fall.

Remember thou, oh Lord, the cruel cry
Of Edoms Children, which did ring and ſound,
Inciting the Chaldeans Cruelty,
Down with it, down with it, even unto the Ground.

In that good day, repay it unto them,
When thou ſhalt viſit thy Hieruſalem.

And thou, oh Babylon, ſhalt have thy turn
By juſt Revenge, and happy ſhall he be,
That thy proud Walls and Towers ſhall waſte and burn,
And as thou didſt by us, ſo do by thee.
Yea happy he, that takes thy Childrens Bones,
And daſheth them againſt the Pavement Stones.

The Tranſlation of the 149 Pſalm.

O Sing a new Song, to our God above,
Avoid profane ones, 'tis for holy Quire:
Let Iſrael ſing Songs of holy Love
To him that made them, with their Hearts on fire:
Let *Sions* Sons lift up their voice, and ſing
Carols and Anthems to their Heavenly King.

Let not your voice alone his praiſe forth tell,
But move withal, and praiſe him in the Dance;
Cymbals and Harps let them be tuned well,
'Tis he that doth the Poors eſtate advance:
Do this not onely on the Solemn days,
But on your ſecret Beds your Spirits raiſe.

O let the Saints bear in their Mouth his Praiſe,
And a two edged Sword drawn in their Hand,
Therewith for to revenge the former Days,
Upon all Nations, that their Zeal withſtand;
To bind their Kings in Chains of Iron ſtrong,
And manacle their Nobles for their wrong.

Expect the time, for 'tis decreed in Heaven,
Such Honour ſhall unto his Saints be given.

FINIS.

A

CHARGE

GIVEN BY

The Most Eminent and Learned

Sr. FRANCIS BACON, Kt.

Late Lord *Chancellor* of

ENGLAND,

AT A

SESSIONS

Holden for the

VERGE,

In the Reign of the Late

KING JAMES

DECLARING

The Latitude of the Jurisdiction thereof, and the Offences therein inquirable, as well by the COMMON-LAW, as by several STATUTES herein particularly mentioned.

Lex Vitiorum emendatrix, Virtutum commendatrix est.

LONDON,
Printed for *Robert Pawley*, 1671.

Sir FRANCIS BACON's
CHARGE
At the SESSIONS of the VERGE.

YOU are to know and consider well, the Duty and Service to which you are called, and whereupon you are by your Oath charged. It is the happy estate and condition of the Subject of this Realm of *England*, that he is not to be impeached in his Life, Lands, or Goods, by flying rumors and wandring fames and reports, or secret and private Inquisitions; But by the Oath and Presentment of men of honest condition, in the face of Justice: But this happy estate of the Subject, will turn to hurt and inconvenience, if those that hold that part which you are now to perform, shall be negligent and remiss in doing their Duty; for as of two evils it were better mens doings were looked into over-strictly and severely, than that there should be a notorious impunity of Malefactors; as was well and wisely said of ancient time, *A man were better live where nothing is lawful, than where all things are lawful*: This therefore rests in your care and conscience, forasmuch as at you Justice begins, and the Law cannot pursue and chuse offenders to their deserved Fall, except you first put them up and discover them, whereby they may be brought to answer; for your Verdict is concluding to condemn. But it is necessary to charge, and without it the Court cannot proceed to condemn.

Considering therefore that you are the Eye of Justice, ye ought to be single without partial affection; watchful, not asleep, nor false asleep, winking at Offenders, and sharp sighted to proceed with understanding and discretion; for in a word, if you shall not present unto the Court all such offences, as shall appear unto you either by evidence given in, or otherwise (mark what I say) of your own knowledge, which have been committed within the Verge, which is as it were the Limits of your Survey, but shall smother and conceal any offence willingly, then the guiltiness of

others will cleave to your Conſciences, before God; and beſides, you are anſwerable in ſome degree to the King and his Law, for ſuch your Default and Suppreſſion; and therefore take good regard unto it, you are to ſerve the King and his people, you are to keep and obſerve your Oath, you are to acquit your ſelves: But there is yet more cauſe why you ſhould take more eſpecial regard to your Preſentments, than any other grand Juries, within the Counties of this Kingdom at large, for as it is a nearer degree and approach unto the King, which is the fountain of Juſtice and Government, to be the Kings Servant, than to be the Kings Subject: So this Commiſſion ordained for the Kings Servants and Houſhold, ought in the Execution of Juſtice to be exemplary unto other places; *David* ſaith (who was a King) *The wicked man ſhall not abide in my houſe*; as taking knowledge that it was impoſſible for Kings to baniſh Wickedneſs, by the extending of all their power and care, over all their Land or Empire; yet at leaſt they ought to undertake to God for their Houſe.

We ſee further that the Law doth ſo eſteem the Dignity of the Kings ſetled Manſion-houſe, as it hath laid unto it a Plot of 12 miles round, which we call *The Verge*, to be ſubject to a ſpecial exempted Juriſdiction, depending upon his Perſon and great Officers; this is as a half pace, or Carpet ſpread about the Kings Chair of Eſtate, which therefore ought to be cleared and void more than other places of the Kingdom; for if offences ſhall be ſhrouded under the Kings Wings, what hope is there of Diſcipline and Juſtice in more remote parts? We ſee the Sun, when it is at the brighteſt, there may be perhaps a Bank of Clouds in the North or Weſt, or remote Regions, but near his Body few or none; for where the King cometh there ſhould come Peace, and Order, and an Awe and Reverence in mens hearts.

Articuli ſuper Chartas C. 3. 13. R. 2. C. 3. 3. H. 8 C. 12.

And this Juriſdiction was in ancient time executed, and ſince by Statute ratified by the Lord *Steward*, with great Ceremony in the nature of a peculiar Kings Bench, for the Verge, for it was thought a kind of Ecclipſing to the Kings Honour, that where the King was, any Juſtice ſhould be ſought but immediately from his own Officers: But in reſpect that Office was oft void, this Commiſſion hath ſucceeded, which change I do not diſlike, for though it hath leſs State, yet it hath more ſtrength Legally; Therefore I ſay, you that are a Jury of the Verge, ſhould leave and give a Pattern unto others in the care and conſcience of your Preſentments.

Concerning the particular Points and Articles whereof you ſhall enquire, I will help your memory and mine own with order; neither will I lead you or trouble my ſelf with every branch of ſeveral offences, but ſtand upon thoſe that are principal and moſt in uſe; The offences whereof, that you are to preſent are of four Natures.

1. The firſt, Such as concern God and his Church.
2. The ſecond, Such as concern the King and his State.

The

The Third, such as concern the Kings people, and are Capital. 3.
The Fourth, such as concern the Kings People, and are not Capital. 4.

The Service of Almighty God, upon whose Blessing the Peace, Safety, and good Estate of King and Kingdom doth depend, may be violated, and God dishonoured in three manners; by Profanation, by Contempt, and by Division, or breach of Unity. God and the Church.

First, if any man hath depraved or abused in Word or Deed the Blessed Sacrament, or disturbed the Preacher or Congregation in the time of Divine Service, or if any have maliciously stricken with weapon, or drawn weapon in any Church or Church-yard, or if any Fair or Market have been kept in any Church-yard, these are Prophanations within the purview of several Statutes, and those you are to present; for Holy things, Actions, Times, and Sacred places, are to be preferred in reverence and Divine respect. Profanations. 1 *E.* 6 *C* 1. & 1. *Eliz. C.* 2. 1. *M C.* 3. 5. *E.* 6. *C* 4. 13. *E* 1. *Stat. of* Winton.

For contempts of our Church and Service, they are comprehended in that known name, which too many (if it pleased God) bear Recusancy, which offence hath many Branches and Dependencies, the Wife-Recusant, she tempts; the Church-Papist, he feeds and relieves; the corrupt Schoolmaster he soweth tares, the Dissembler, he conformeth and doth not communicate.

Therefore if any person, Man, or Woman, Wife, or Sole, above the age of Sixteen years, not having some lawful excuse, have not repaired to Church according to the several Statutes, the one for the Weekly, the other for the Monthly repair, you are to present both the offence, and the time how long; again, such as maintain, relieve, keep in Service of Livery, Recusants, though themselves be none, you are likewise to present; for these are like the Roots of Nettles, which sting not themselves, but bear and maintain the stinging Leaves: So if any that keepeth a Schoolmaster that comes not to Church, or is not allowed by the Bishop, for that Infection may spread; for so such Recusants as have been convicted and conform'd, and have not received the Sacrament once a year, for that is the Touch-stone of their true conversion; and of these offences of Recusants, take you especial regard. Twelve Miles from Court is no region for such Subjects. In the Name of God, why should not twelve Miles about the Kings Chair be as free from Papist-Recusants, as twelve Miles from the City of *Rome* the Popes Chair, is from Protestants? There are Hypocrites and Atheists, and so I fear there be amongst us; But no open contempt of their Religion is endured. If there must be Recusants, it were better they lurked in the Countrey, than here in the Bosome of the Kingdom. Profanations.

For matter of Division and Breach of Unity, it is not without a Mistery, that Christ's Coat had no Seam, nor no more should the Church, if it were possible. Therefore if any Minister refuse the Book of Common Prayer, or wilfully swearveth in Divine Service from that Book, or if any Person whatsoever do scandalize that Book, or if any person whatsoever, do and speak openly and maliciously Breach of Unity.

liciously in derogation of it, such men do but make a rent in the Garment, and such are by you to be enquired of. But much more, such as are not only differing, but in a sort opposite unto it, by using a superstitious and corrupt form of Divine Service, I mean such as say, or hear Mass.

These Offences which I have recited to you, are against the Service and Worship of God, there remain two which likewise pertain to the Dishonour of God; the one, is the abuse of his Name, by Perjury; the other is, the adhering to Gods declared Enemies, evil and out-cast Spirits by Conjuration and Witchcraft.

Perjury.

For Perjury, it is hard to say whether it be more odious to God, or pernicious to man; for an Oath, saith the Apostle, is the end of Controversies; if therefore that Boundary of Suits be taken away or mis-set, where shall be the end? Therefore you are to enquire of wilful and corrupt Perjury in any of the Kings Courts, yea of the Court Barons and the like, and that as well of the Actors, as of the Procurers and Suborners.

Conjuration and Witchcraft.

1. *Jac. cap* 12.

For Witchcraft, by the former Law it was not Death, except it were actual and gross of invocation of evil Spirits, or making Covenant with them, or taking away Life by Witchcraft: But now by an Act *in his Majesty's times*, Charms and Sorceries in certain Cases of procuring of unlawful love or bodily hurt, and others, are made Felony, the second offence; the first being Imprisonment and Pillory.

Supremacy placed with offences of State.

And here I do conclude my first part concerning Religion and Ecclesiastical Causes; wherein it may be thought that I do forget matters of Supremacy, or of Jesuits, and Seminaries, and the like, which are usually sorted with Causes of Religion: But I must have leave to direct my self according to mine own perswasion, which is, that whatsoever hath been said or written on the other side; All the late Statutes which inflict capital punishment upon Extollers of the Popes Supremacy; Deniers of the Kings Supremacy, Jesuits and Seminaries, and other offenders of that nature, have for their principal scope, not the punishment of the Error of Conscience, but the repressing of the peril of the Estate. This is the true spirit of the Laws, and therefore I will place them under my second Division, which is of Offences which concern the King and his Estate, to which now I come.

The King and the State.

These Offences therefore respect either the Safety of the Kings Person, or the Safety of his Estate and Kingdom, which though they cannot be dissevered in deed, yet they may be distinguished in speech. First then, if any have conspired against the life of the King, which God have in his custody, or of the Queens Majesty, or of the most noble Prince their eldest Son; the very compassing and very imagination thereof is High Treason, if it can be proved by any fact that is overt; for in the case of so sudden, dark, and pernicious, and peremptory attempts, it were too late for the Law to take a Blow before it gives, and this High Treason of all other is most hainous of which you shall enquire, though I hope there be no cause.

The Kings Person.

There

There is another capital offence that hath an affinity with this, whereof you here within the *Verge* are moſt properly to enquire; the Kings Privy Councel are as the principal Watch over the ſafety of the King, ſo as their ſafety is a portion of his; if therefore any of the Kings Servants within his Chequer Roll (for to them only the Law extends) have conſpired the death of any the Kings Privy Councel; this is Felony, and thereof you ſhall enquire. Privy Counſellor.

And ſince we are now in that Branch of the Kings Perſon, I will ſpeak alſo of the Kings Perſon by repreſentation, and the Treaſons which touch the ſame. Repreſentation of perſon.

The Kings Perſon and Authority is repreſented in three things, in his Seals, in his Moneys, and in his principal Magiſtrates; if therefore any have counterfeited, clip'd, or ſcaled his Moneys, or other moneys currant, this is high Treaſon; ſo to kill certain great Officers or Judges, executing their Office.

We will paſs now to thoſe Treaſons, which concern the ſafety of the Kings State, which are of three kinds anſwering to three perils which may happen to an Eſtate; theſe Perils are forreign Invaſions, open Rebellion, and Sedition, and privy practice, to alienate and eſtrange the hearts of the Subject, and to prepare them, either to adhere to enemies, or to burſt out into tumults, and commotions of themſelves. The State.

Therefore if any perſon have ſollicited or procured any Invaſion from Forreigners, or if any have combined to raiſe and ſtir the people to Rebellion within the Realm, theſe are high Treaſons, tending to the overthrow of the State of this Commonwealth, and to be enquired of. Invaſion and Rebellion.

The third part of practice hath divers Branches, but one principal Root in theſe our times, which is the vaſt and over-ſpreading ambition and uſurpation of the *See* of *Rome*; for the Pope of *Rome* is, according to his laſt Challenge and Pretences, become a Competitor and Corival with the King, for the hearts and alienations of the people, and to make them as Fuel ready to take fire upon any of his Commands. This is that yoke which this Kingdom hath happily caſt off, even at ſuch time when the Popiſh Religion was nevertheleſs continued, and that divers States which are the Popes Vaſſals do begin to ſhake of. Alienation of hearts.

If therefore any perſon have maintained and extolled the uſurped authority of the Biſhop of *Rome*, within the Kings Dominions, by writing, preaching, or deed, adviſedly, or directly, and maliciouſly. Or if any perſon have withdrawn and reconciled Supremacy, Treaſon, &c. 5 *Eliz. cap.* 1. *Jeſuits.* 2 *Jac. Cap* 4. & 5.

any of the Kings Subjects from their obedience, or any withdrawn and reconciled themſelves; or if any Subject hath refuſed the ſecond time, to take the Oath of Supremacy lawfully tendred; or if any Jeſuit or Seminary come and abide within this Realm; theſe are by ſeveral Statutes made in Caſes of Treaſon, the Law accounting theſe things as preparatives, and the ſecret motions of Seditions and Revolts, theſe you are to enquire both of the Actors, *&c.* Receivers, Maintainers, and Concealers, *&c.* Traitors, as well as the Principal in ſome Caſes; ſome other, in miſpriſſions of Treaſon; and in ſome other, Felony; as namely, that of the relieving of Jeſuits and Prieſts; the bringing in and diſperſing of *Agnus Dei*; Croſſes, Pictures, or ſuch Traſh, is likewiſe premunire, and ſo is the denial to take the Oath of Supremacy the firſt time.

23 *El. Cap.* 1.
13 *El. Cap.* 2.
13 *El. Cap.* 1.
Agnus Dei.

Militir.

And becauſe in the diſpoſition of a State to troubles and perturbations, Military men are moſt tickle and dangerous; therefore if any of the Kings Subjects go over to ſerve in forreign parts, and do not firſt endure the Touch, that is, take the Oath; or if he hath born office in any Army, and do not enter into bond with Sureties as is preſcribed, this is made Felony, and of ſuch you ſhall enquire.

Prophecies.

Laſtly, becauſe the vulgar people are ſometimes led with vain and fond Prophecies, if any ſuch ſhall be publiſhed, to the end to move ſtirs or tumults, this is not Felony, but puniſhed by a years Impriſonment, and loſs of goods; and of this alſo you ſhall enquire.

You ſhall likewiſe underſtand that the eſcape of any Priſoner committed for Treaſon, is Treaſon; whereof you are likewiſe to enquire.

The people capital.

Now come I to the third part of my Diviſion, that is, thoſe offences which concern the Kings people, and are capital, which nevertheleſs, the Law tearms offences againſt the Crown, in reſpect of the Protection that the King hath for His People, and the intereſt he hath in them and their welfare; for touch them, touch the King; theſe offences are of three natures: The firſt concerneth the preſervation of their lives; the ſecond, of honor and honeſty of their perſons and Families; and the third of their ſubſtance.

Life.

Firſt for Life; I muſt ſay unto you in general, that Life is grown ſo cheap in theſe times, it is ſet at the price of words, and every petty ſcorn and diſgrace, can have no other reparation, nay ſo many mens lives are taken away with impunity, that the very life of the Law is almoſt taken away with the Execution; and therefore though we cannot reſtore the life of thoſe men that are ſlain, yet I pray let us reſtore the Law to her life, by proceeding with due ſeverity againſt the Offenders; and moſt eſpecially this

this plot of ground, which is the Kings Carpet, ought not to be stained with blood, crying in the Ears of God and the King; it is true nevertheless, that the Law does make divers just differences of Life taken away; but yet no such differences as the wanton humors and braveries of men, have under a reverend name of Honor and Reputation invented.

The highest degree is where such a one is killed, unto whom the Offender did bear Faith and Obedience; as the Servant to the Master, the Wife to the Husband, the Clerk to the Prelate; and I shall ever add, for so I conceive of the Law, the Child to the Father or Mother, and this the Law termeth petty Treason.

The second is, where a man is slain upon fore-thought Malice, which the Law tearms Murther, and it is an Offence horrible and odious, and cannot be blanched, nor made fair but foul.

The third is, where a man is killed upon a sudden heat or affray, whereunto the Law gives some little favor, because a man in fury is not himself, *Ira furor brevis*, wrath is a short madness; and the Wisdom of Law in his Majesties time hath made a subdivision of the stab given, where the party stab'd is out of defence, and had not given the first Blow, from other Man-slaughters. 1 *Jac. Cap.* 8.

The fourth degree, is that of killing a man in the parties own defence, or by misadventure, which though they be not Felonies, yet nevertheless the Law doth not suffer them to go unpunished; because it doth kindle sparks of a bloody mind in the one, and defence in the other.

And the fifth is, where the Law doth admit Fortification, not by Plea, for a man may not (that sheddethblood) justifie the Fact with pleading Non-guilty; the case is found by verdict, being disclosed upon the evidence, as where a man in the Kings highway and peace is assailed to be murthered or rob'd, or when a man defending his House, which is his Castle, against unlawful violence; or when a Sheriff or Minister of Justice, is resisted in the Execution of his office; or when the Patient dieth in the Chyrurgions hands, upon cutting or otherwise, for these Cases the Law doth priviledge, because of the necessity, and because of the innocency of the intention.

Thus much for the death of man, of which Cases you are to enquire, together with the accessories before and after the Fact.

For the second kind which concerns the honesty and chastenes of persons and families; you are to enquire of the ravishment of Women, of the taking of Women out of the possession of their Parents or Guardians against their will, or marrying or abusing them, or double marrying, where there was not first seven Honesty of Life. 1 *Jac. cap.* 11.

years abſence, and no notice that the party ſo abſent was alive, and other Felonies againſt the honeſty of life.

For the third kind, which concerneth mens ſubſtance, you ſhall inquire of Burglaries, Robberies, Cutting of Purſes, and taking of any thing from the Perſon; and generally al other ſtealths, as well ſuch as are plain as thoſe that are diſguiſed, whereof I will by and by ſpeak: But firſt I muſt require you to uſe diligence in preſenting ſpecially thoſe purloynings and imbezilments, which are of Plate, Veſſels, or whatſoever within the Kings Houſe. The Kings Houſe is an open place, it ought to be kept ſafe by Law, and not by Lock, and therefore needeth the more ſeverity.

Now for coloured or diſguiſed Robberies, I will name two or three of them; the Purveyor that takes without Warrant, two or three of them is no better than a Thief, and it is Felony; the Servant that hath the keeping of His Majeſties Goods, and goeth away with them, though he came to the poſſeſſion of them lawfully, it is Felony. Of theſe you ſhall likewiſe enquire, principal and acceſſaries; the voluntary eſcape of a Felon is alſo Felony.

28. E. 1. *Articuli ſuper Chartas C.* 2. 31. *El C.* 4. 33 *H* 6. *C.* 1. 21 *H*, 8. *C* 7.

The People not capital.

For the laſt part, which is of Offences concerning the people not capital, there are many; But I ſelect only ſuch as I think fitteſt to be remembred unto you, ſtill dividing to give you the better light, they are of three Natures.

1. The firſt, is matter of Force and Outrage.

2. The ſecond, matter of Fraud and Deceipt.

3. The third, Breach and inobſervance of certain wholſom, and politick Laws, for Government.

Force.

For the firſt, you ſhall enquire of Riots and unlawful Aſſemblies, of forcible Entries, and Detainers with force; and properly all Aſſaults of ſtriking, drawing Weapon or other violence, within the Kings Houſe, and the Precincts thereof; for the Kings Houſe, from whence Examples of Peace ſhould flow, in the fartheſt parts of the Kingdome, as the Oyntment of *Aarons* head to the skirts of his Garment, ought to be ſacred and inviolate from Force and Brawls, as well in reſpect of Reverence to the place, as in reſpect of Danger and great Trouble, and of all Example to the whole Kingdom; and therefore in that place all ſhould be full of Peace, Order, Regard, Forbearance, and Silence.

Beſides open force, there is a kind of force that cometh with an open and armed hand, but diſguiſed, that is, no leſs hateful and hurtful, and that is, Abuſe and Oppreſſion by Authority.

And therefore you ſhall enquire of all Extortions in Officers, and

and Miniſters; as Sheriffs, Bailiffs of Hundred, Eſcheators, Coroners, Conſtables, Ordinaries, and other; who by colour of Office do pole the people.

For Frauds and Deceits, I do chiefly commend to your care, the Frauds and Deceits in that which is the chief means of all juſt contract and permutation, which is, Weights and Meaſures, wherein, although God hath pronounced, that a falſe weight is an Abomination, yet the abuſe is ſo common and ſo general, I mean of Weights, and I ſpeak upon knowledge and late examination, that if one were to build a Church, he ſhould need but falſe Weights, and not ſeek them far off, the Bells or Piles of Braſs to make the Bells, and the Weight of Lead to make the Battlements: And herein you are to make ſpecial enquiry, whether the Clerk of the Market within the Verge, to whom properly it appertains, have done his Duty.

For Nuſances and Grievances, I will for the preſent onely ſingle out one, That you preſent the Decays of High-ways and Bridges; for where the Majeſty of a Kings Houſe draws recourſe and acceſs, it is both diſgraceful to the King, and alſo diſeaſeful to the people, if the ways near about be not fair and good; wherein it is ſtrange to ſee the chargeable Pavement and Cawſeys in the entrances of Towns abroad beyond the Seas, whereas *London*, the ſecond City, at the leaſt, of *Europe*, in Glory, in Greatneſs, and in Wealth, cannot be diſcerned by the fairneſs of the ways, though a little perhaps by the broadneſs of them, from a Village. Nuſance.

For the laſt part, becauſe I paſs theſe things over briefly, I will make mention to you of three Laws. Breach of Statutes.

The one concerning the Kings Pleaſure. 1.

The ſecond, concerning the Peoples Food. 2.

And the third, concerning Wares and Manufactures. 3.

You ſhall therefore enquire of the unlawful taking of Partridges, and Pheaſants, or Fowl, the detraction of the Eggs of the ſaid Wild-fowl, the killing of Hares or Deer, and the ſtealing of Veniſon, or Hares: for that which is for exerciſe, and ſport, and courteſie, ſhould not be turned to Gluttony and Sale Victual. Kings pleaſure.

You ſhall alſo enquire whether Bakers, and Brewers keep their Aſſize, and whether as well they, as Butchers, Inn-holders, and Victuallers, do ſell that which is wholſome, and at reaſonable prices; and whether they do link and combine to raiſe prices. Food.

Laſtly, you ſhall enquire whether the good Statute be obſerved, whereby a man may have that he thinketh he hath, and not Manufactures.

5 El. cap. 4. be abuſed or miſ-ſerved in that he buyes: I mean, the Statute that requireth that none uſe any Manual Occupation, but ſuch as have been ſeven years Apprentice to it, which Law being generally tranſgreſſed, makes the people buy in effect Chaff for Corn, for that which is miſwrought will miſwear.

There be many more things inquirable by you, throughout all the former parts, which it were overlong in particular to recite; you may be ſupplyed either out of your own Experience, or out of ſuch Bills and Informations as ſhall be brought unto you, or upon any Queſtion that you ſhall demand of the Court, which will be ready to give you any further Direction, as far as it is fit: But theſe which I have gone through are the principal Points of your Charge, which to preſent, you have taken the Name of GOD to witneſs; and in the Name of GOD perform it.

Dixi.

FINIS.

The Argument of Sir *Francis Bacon* Knight, His Majesties *Sollicitor General*, in the Case of the *POSTNATI* of *Scotland*, in the *Exchequer Chamber*, before the *Lord Chancellor*, and all the *Judges* of *England*.

May it please your Lordships,

THis Case your Lordships do well perceive to be of exceeding great consequence. For whether you do measure that by place, that reacheth not only to the Realm of *England*, but to the whole Island of *Great Britain*; or whether yon measure that by time, that extendeth not not only to the present time, but much more to future generations,

Et nati natorum, & qui nascentur ab illis.

And therefore as that is to receive at the barre a full and free debate: so I doubt not but that shall receive from your Lordships a sound and just resolution according to Law and according to Truth. For, my Lords, though he were thought to have said well that said that for his word, *Rex fortissimus*; yet he was thought to have said better, even in the opinion of a King himself, that said, *Veritas fortissima & prævalet.* And I do much rejoyce to observe such a Concurrence in the whole carriage of this cause, to this end that truth may prevail. The case no feigned, or framed case; but a true case between true parties.

The title handled formerly in some of the Kings Courts, and Free-hold upon it: used indeed by His Majesty, in his high wisdom to give an end to this great question, but not raised: *occasio*, as the School-men say, *arrepta non porrecta.*

The Case argued in the Kings Bench by M. *Walter* with great liberty, and yet with good approbation of the Court. The persons assigned to be of Counsell on that side, inferiour to none of their quality and degree in learning; and some of them most conversant and exercised in the question.

The Judges in the Kings Bench have adjourned it to this place, for conference with the rest of their Brethren. Your Lordship, my Lord Chancellor, though you be absolute Judge in the Court where you sit, and might have called to you such assistance of Judges as to you had seemed good: yet would not fore-run or lead in this Case by any Opinion there to be given; but have chosen rather to come your self to this Assembly, all tending (as I said) to this end, whereunto I for my part do heartily subscribe, *ut vincat veritas*, that truth may first appear, and then prevail. And I do firmly hold and doubt not but I shall well maintain, that this is the truth, That *Calvin* the Plaintiff is *ipso Jure* by the Law of *England* a natural born subject, to purchase Free-hold, and to bring real actions within *England*. In this case I must so consider the time, as I must much more consider the matter. And there-

fore though it may draw my ſpeech into further length; yet I dare not handle a caſe of this nature confuſedly, but purpoſe to obſerve the ancient and exact form of pleadings, which is,

Firſt, to explain or induce.
Then, to confute, or anſwer objections.
And laſtly, to prove, or confirm.

And firſt for explanation. The outward queſtion in this caſe is no more, but whether a child born in *Scotland* ſince his Majeſties happy comming to the Crown of *England*, be naturallized in *England*, or no? But the inward queſtion, or State of the queſtion, evermore beginneth, where that which is confeſſed on both ſides doth leave.

It is confeſs'd, that if theſe two Realms of *England* and *Scotland* were united under one Law, and one Parliament, and thereby incorporated and made as one Kingdom, that the *Poſt-natus* of ſuch an union ſhould be naturalized.

It is confeſſed, that both Realms are united in the perſon of our Soveraign; or (becauſe I will gain nothing by ſurreption, in the putting of the queſtion) that one and the ſame natural perſon, is King of both Realms.

It is confeſſed, that the Lawes and Parliaments are ſeveral. So then, whether this priviledge and benefit of Naturalization be an acceſſory or dependancy upon that which is one and joint, or upon that which is ſeveral, hath been, and muſt be the depth of this queſtion. And therefore your Lordſhips do ſee the State of this queſtion doth evidently lead me by way of inducement to ſpeak of three things. The King, the Law, and the priviledge of Naturalization. For if you well underſtand the nature of the two Principals, and again the nature of the Acceſſory; Then ſhall you diſcern, to whether Principal the Acceſſory doth properly referr, as a ſhadow to a body, or Iron to an Adamant.

And there your Lordſhips will give me leave in a caſe of this quality, firſt to viſit and open the foundations and fountains of Reaſon; and not to begin with the poſitions, and eruditions of a *Municipal* Law; for ſo was that done in the great Caſe of Mines; and ſo ought that to be done in all caſes of like nature. And this doth not at all detract from the ſufficiency of our Laws, as incompetent to decide their own caſes; but rather addeth a dignity unto them, when their Reaſon appearing as well as their authority, doth ſhew them to be as fine moneyes, which are currant not only by the ſtamp becauſe they are ſo received, but by the natural metal, that is the reaſon and wiſdom of them.

And Maſter *Littleton* himſelf in his whole book doth commend but two things to the Profeſſors of the Law by the name of his Sons; the one, the inquiring and ſearching out the reaſons of the Law; and the other, the obſerving of the forms of pleadings. And never was there any caſe that came in Judgement, that required more that *Littletons* advice ſhould be followed in thoſe two points, then doth the preſent caſe in queſtion. And firſt of the King.

It is evident that all other Common-wealths (Monarchies only excepted) do ſubſiſt by a Law precedent. For where authority is divided amongſt many officers, and they not perpetual, but annual or temporary, and not to receive their authority but by election, and certain perſons to have voice only to that election, and the like: Theſe are buſie and curious frames: which of neceſſity do preſuppoſe a Law precedent, written or unwritten, to guide and direct

direct them. But in Monarchies, especially hereditary, that is, when several families, or lineages of people do submit themselves to one line, Imperial or Royal, the submission is more natural and simple, which afterwards by Laws subsequent is perfected, and made more formal: but that is grounded upon nature. That this is so, it appeareth notably in two things, the one, the platforms and patterns which are found in nature of Monarchies, the original submissions, and their motives and occasions. The platforms are three.

The first is that of a Father, or chief of a Family: who governing over his Wife by prerogative of Sex, over his Children by prerogative of age, and because he is author unto them of being; and over his servants by prerogative of vertue and providence; for, he that is able of body, and improvident of mind, is *Natura servus*, that is, a very modell of a King. So that is the opinion of *Aristotle*, *Lib.* 3. *Pol. Cap.* 14. where he saith, *Verum autem regnum est, cum penes unum est rerum summa potestas: quod regnum procurationem familiæ imitatur.*

And therefore *Lycurgus*, when one counselled him to dissolve the Kingdom, and to establish another form of estate, he answered, Sir, begin to do that which you advise first at home in your own house, noting that the chief of a family is as a King; and that those that can least endure Kings abroad, can be content to be Kings at home, and this is the first platform, which we see is meerly natural.

The second is, that of a Shepheard and his flock, which *Xenophon* saith, *Cyrus* had ever in his mouth. For shepherds are not owners of the sheep, but their office is to feed, and govern: no more are Kings *proprietaries*, or owners of the people, for God is sole owner of people. *The Nations*, as the scripture saith, *are his inheritance:* But the office of Kings is to govern, maintain, and protect people. And that is not without a mystery, that the first King that was instituted by God, *David*, (for *Saul* was but an untimely birth) was translated from a shepheard, as you have it in the 78. *Psalm*, *Et elegit David servum suum, de gregibus ovium sustulit eum, pascere Jacob servum suum, Israel hæreditatem suam.* This is the second platform, a work likewise of nature.

The third platform is the government of God himself over the world, whereof I will *Monarchies*, are a shadow. And therefore both amongst the Heathen, and amongst the Christians, the word (*sacred*) hath been attributed unto Kings, because of the conformity of a Monarchy, with the divine Majesty; never to a Senate or people. And so you find it twice in the Lord *Cookes* Reports; once in the second book, the Bishop of *Winchesters* case; and his first book, *Cawdries* case; and more anciently in the 10. of *H.7. fo.* 18. *Rex est persona mixta cum Sacerdote*; an attribute which the *Senate* of *Venice*, or a *Canton* of *Swisses*, can never challenge. So we see there be presidents, or platforms of *Monarchies*, both in *Nature* and above *Nature*, even from the Monarch of Heaven and Earth, to the King (if you will) in a hive of Bees. And therefore other States are the creatures of Law, and this State only subsisted by *Nature.*

For the original submissions, they are four in number: I will briefly touch them: The first is *Paternity*, or *Patriarchy*, which was when a family growing so great as it could not contain it self within one habitation, some branches of the descendents were forced to plant themselves into new families; which second families could not by a natural instinct, and inclination, but bear a reverence and yield an obeysance to the eldest line of the ancient family, from which they were derived.

The ſecond is, the admiration of Vertue, or gratitude towards Merit, which is likewiſe naturally infuſed into all men. Of this *Ariſtotle* putteth the caſe well, when it was the fortune of ſome one man, either to invent ſome Arts of excellent uſe towards mans life; or to congregate people that dwelt ſcattered, into one place, where they might cohabit with more comfort; or to guide them from a more barren land to a more fruitfull, or the like: Upon theſe deſerts, and the admiration and recompence of them, people ſubmitted themſelves.

The third, which was the moſt uſual of all, was Conduct in Warre, which even in nature induceth as great an obligation, as *Paternity*. For as men owe their life and being to their *Parents*, in regard of generation: So they owe that alſo to *Saviours* in the Warrs, in regard of preſervation. And therefore we finde in the 18. *Chap.* of the book of *Judges*, *verſ.* 22. *Dixerunt omnes viri ad Gedeon, Dominare noſtri, tu & filii tu, quoniam ſervaſti nos de manu Madian.* And ſo we read when it was brought to the *ears* of *Saul that the people ſung in the ſtreets*, *Saul* hath kill'd his *thouſand*, and *David* his *ten thouſand* of enemies; he ſaid ſtraightwayes, *Quid ei ſupereſt niſi ipſum regnum?* For whoſoever hath the *military dependance*, *wants little of being King.*

The fourth is an enforced ſubmiſſion, which is Conqueſt, whereof it ſeemed *Nymrod* was the firſt preſident, of whom it is ſaid, *Ipſe cæpit potens eſſe in terra, & erat robuſtus venator coram Domino.* And this likewiſe is upon the ſame root, which is the ſaving or gift as it were of life, and being, for the Conqueror hath power of life and death over his Captives, and therefore where he giveth them themſelves, he may reſerve upon ſuch a gift, what ſervice and ſubjection he will. All theſe four ſubmiſſions are evident to be natural, and more ancient then Law.

To ſpeak therefore of Law, which is the ſecond part of that which is to be ſpoken of, by way of inducement. *Law* no doubt is the great Organ by which the Soveraign power doth move, and may be truly compared to the ſinews in a natural body, as the *Soveraignty* may be compared to the ſpirits; for if the ſinews be without the ſpirits, they are dead and without motion: If the ſpirits move in weak ſinews, it cauſeth trembling: ſo the Laws without the *Kings* power, are dead; the *Kings* power except the Laws be corroborate, will never move conſtantly, but be full of ſtaggering and reputation. But towards the *King* himſelf, the Law doth a double office or operation: The firſt is to entitle the *King*, or deſign him; and in that ſenſe *Bracton* ſaith well, *Lib.* 1. *fol.* 5. and *Lib.* 3. *fol.* 107. *Lex facit quod ipſe ſit Rex*; that is, it defines his title, as in our Law, That the kingdom ſhall go to the iſſue female; That it ſhall not be departable amongſt daughters; That the half blood ſhall not be reſpected, and other points differing from the rules of common inheritance. The ſecond is (that whereof we need not fear to ſpeak in good and happy times, ſuch as theſe are) to make the ordinary power of the King more definite or regular; for it was well ſaid by a Father, *plenitudo poteſtatis, eſt plenitudo tempeſtatis.* And although the King, in his Perſon, be *Solutus Legibus*; yet his Acts and Grants are limited by Law, and we argue them every day.

But I demand, Do theſe offices or operations of Law evacuate or fruſtrate the original ſubmiſſion, which was natural? or ſhall it be ſaid, that all allegiance is by Law? No more than it can be ſaid, that *poteſtas patris*, the power of the Father over the Child, is by Law: and yet no doubt Laws do diverſly define of that alſo; the Law of ſome Nations having given Fathers power

power to put their Children to death; others, to sell them thrice; others to disinherit them by Testament at pleasure, and the like. Yet no man will affirm, that the obedience of the Child is by Law, though Laws in some points do make it more positive. And even so it is of allegiance of subjects to hereditary *Monarchs*, which is corroborate and confirmed by Law, but is the work of the Law of Nature. And therefore you shall find the observation true, and almost general in all States, that their Law-givers were long after their first King, who governed for a time by natural equity, without Law: So was *Theseus* long before *Solon* in *Athens*: So was *Eurition* and *Sous* long before *Lycurgus* in *Sparta*: So was *Romulus* long before the *Decemviri*. And even amongst our selves, there were more ancient Kings of the *Saxons*, and yet the Laws ran under the name of *Edgars* Laws. And in the re-founding of the *Kingdom* in the person of *William* the Conqueror, when the Laws were in some confusion for a time, a man may truly say, that King *Edward* the first, was the first Law-giver, who enacting some Laws, and collecting others, brought the Law to some perfection. And therefore I will conclude this point with the Style which divers Acts of Parliaments do give unto the *King*: which term him very effectually and truly, *Our Natural Soveraign Liege Lord*. And as it was said by a principal Judge here present when he served in another place, and question was moved by some occasion of the title of *Bulleins* Lands, That he would never allow, that *Queen Elizabeth* (I remember it for the efficacy of the phrase) should be a *Statute Queen*, but a *Common-Law Queen*: So surely I shall hardly consent, that the *King* shall be esteemed or called only, *Our Rightfull Soveraign*, or *Our Lawfull Soveraigne*, but *Our Natural Liege Soveraign*, as Acts of Parliament speak: For as the *Common Law* is more worthy than the *Statute Law*; So the *Law of Nature* is more worthy than them both. Having spoken now of the *King* and the *Law*, it remaineth to speak of the priviledge and benefit of *Naturalization* it self, and that according to the rules of the Law of *England*. *Naturalization* is best discerned in the degrees whereby the Law doth mount and ascend thereunto. For it seemeth admirable unto me, to consider with what a measured hand, and with how true proportions our Law doth impart and conferr the several degrees of this benefit: The degrees are four.

The first degree of persons (as to this purpose) that the Law takes knowledge of, is an Alien *Enemy*; that is, such a one as is born under the obeisance of a Prince or State that is in hostility with the King of *England*. To this person the Law giveth no benefit or protection at all, but if hee come into the Realm after War proclaimed, or War in fact, he comes at his own perill, he may be used as an Enemy: For the Law accounts of him, but (as the Scripture saith) *as of a Spy, that comes to see the weakneſſe of the Land*. And so it is 2. of *Rich.* the 3d. *fo.* 2. Nevertheless, this admitteth a distinction; For if he come with safe-conduct, otherwise it is, For then he may not be violated, either in person or goods. But yet he must fetch his Justice at the Fountain head, for none of the Conduit pipes are open to him, he can have no remedy in any of the Kings Courts: but he must complain himself before the Kings Privy Councell: There he shall have a proceeding summary from hour to hour, the cause shall be determined by natural equity, and not by rules of *Law*, and the decree of the Councell shall be executed by ayde of the Chancery, as in 13 *Edw.* 4. And this is the first degree.

The second person, is an Alien *Friend*; that is, such a one as is born under

der the obeisance of such a *King* or *State*, as is confederate with the *King of England*, or at least not in War with him. To this person the Law allotteth this benefit, that as the Law accounts that the hold it hath over him, is but a transitory hold (for he may be an *Enemy*:) So the Law doth indue him but with a transitory benefit, that is, of movable goods, and personal actions. But for free-hold, or lease, or actions real, or mixt, he is not enabled, except it be in *auter droit*. And so it is *9 E.* 4. *fo.* 7. *19 E.* 4. *fo.* 6. *5 Mar.* and divers other books.

The third person is a *Denizon*, using the word properly; (for sometime it is confounded with a natural born Subject.) This is one, that is but *Subditus insitivus*, or *adoptivus*, and is never by birth, but only by the *Kings* Charter, and by no other mean; come he never so young into the Realm, or stay he never so long. Mansion or Habitation will not indenise him, no nor swearing obedience to the King in a Leet, which doth in-law the subject; but only (as I said) the *Kings* grace and gift. To this person the Law giveth an ability and capacity abridged, not in matter, but in time. And as there was a time, when he was not subject: So the Law doth not acknowledge him before that time. For if he purchase free-hold after his *Denization*, he may take it; but if he have purchased any before, he shall not hold it: So if he have children after, they shall inherit; but if he have any before, they shall not inherit: So as he is but priviledged *à parte post*, as the Schoolmen say, and not *à parte ante*.

The fourth and last degree, is a *Natural* born subject, which is evermore by birth, or by Act of Parliament; and he is compleat and entire. For in the Law of *England*, there is *nil ultra*, there is no more subdivision or more subtile division beyond these: And therein it seemeth to me that the wisdom of the Law (as I said) is to be admired both ways, both because it distinguisheth so far, and because it doth not distinguish further. For I know that other Laws do admit more curious distinction of this priviledge; For the *Romans* had besides *Jus Civitatis*, which answereth to *Naturalization*, *Jus Suffragii*. For although a man were naturalized to take lands and inheritance; yet he was not inabled to have a voyce at passing of Laws, or at election of Officers. They go further, they have *Jus Petitionis*, or *Jus Honorum*. For though a man had voyce, yet he was not capable of honour, and office. But these be the devises commonly of popular or free estates, which are jealous whom they take into their number, and are unfit for *Monarchies*: But by the Law of *England* the subject that is natural born, hath a capacity or ability to all benefits whatsoever; I say capacity or ability. But to reduce *Potentiam in actum*, is another case. For an *Earl of Ireland*, though he be naturalized in *England*, yet hath no voyce in the Parliament of *England*, except he have either a call by Writ, or creation by Patent, but he is capable of either. But upon this quadripartite division of the ability of persons, I do observe to your Lordship three things, being all effectually pertinent to the question in hand.

The first is, that if any man conceive that the reasons for the *Post-nati* might serve as well for the *Ante-nati*; He may by the distribution which we have made, plainly perceive his error. For the Law looketh not back, and therefore cannot by any matter *ex post facto*, after birth, alter the state of the birth: wherein no doubt the Law hath a grave and profound reason, which is this in few words, *Nemo subitò fingitur*; *aliud est nasci, aliud fieri*: We indeed more respect and affect those worthy Gentlemen of *Scotland* whose merits and conversations we know; but the Law, that proceeds upon

upon general reason, and looks upon no mens faces, affecteth and priviledgeth those, which drew their first breath under the obeisance of the *King* of *England*.

The second point is, that by the former distribution, it appeareth that there be but two conditions by birth, either *Alien*, or *natural born*, (*nam tertium penitus ignoramus.*) It is manifest then, that if the *Post-nati* of *Scotland* be not *natural born*, they are *alien born*, and in no better degree at all, than *Flemmings*, *French*, *Italians*, *Spanish*, *Germans*, and others; which are all at this time *Alien friends*, by reason his Majesty is in peace with all the World.

The third point seemeth to me very worthy the consideration, which is, that in all the distribution of persons, and the degrees of abilities or capacities, the *Kings* Act is all in all, without any manner of respect to Law or Parliament. For it is the *King*, that makes an *Alien enemy*, by proclaiming a war, wherewith the Law, or Parliament intermeddles not: So the *King* only grants Safe-conducts, wherewith Law and Parliament intermeddle not. It is the *King* likewise that maketh an *Alien friend*, by concluding a peace, wherewith Law and Parliament intermeddle not. It is the *King* that makes a Denizon, by his Charter, absolutely of his prerogative and power, wherewith Law and Parliament intermeddle not. And therefore it is strongly to be inferred, that as all these degrees depend wholly upon the *Kings* act, and no wayes upon Law or Parliament: So the fourth, although it cannot by the Kings Patent, but by operation of Law: yet that the Law, in that operation, respecteth only the *Kings* person, without respect of subjection to Law or Parliament. And thus much by way of explanation and inducement; which being all matter in effect confessed, is the strongest ground-work to that which is contradicted or controverted.

There followeth the confutation of the Arguments on the contrary side.

That which hath been materially objected, may be reduced to four heads.

The first is, that the priviledge of *Naturalization*, followeth *Allegeance*, and that *Allegeance* followeth the *Kingdom*.

The second is drawn from that common ground, *Cum duo jura concurrunt in una persona, æquum est, ac si essent in duobus*; a rule, the words whereof are taken from the Civil Law; but the matter of it is received in all Laws; being a very line or rule of reason to avoid confusion.

The third consisteth of certain inconveniencies conceived to ensue of this general naturalization *ipso jure*.

The fourth is not properly an objection, but a preoccupation of an objection or proof on our part, by a distinction devised between Countries devolute by *Descent*, and acquired by *Conquest*.

For the first, It is not amiss to observe, that those which maintain this new opinion, whereof there is *altum silentium* in our Books of Law, are not well agreed in what form to utter and express that: for some said that Allegeance hath respect to the Law, some to the Crown, some to the Kingdom, some to the body politique of the King; so there is confusion of tongues amongst them, as it commonly commeth to pass in opinions that have their foundations in subtilty, and imagination of mans wit, and not in the ground of nature. But to leave their words, and to come to their proofs, they envour to prove this conceipt by three manner of proofs. First, by reason; then, by certain inferences out of Statutes; and lastly, by certain Book-cases mentioning and reciting the forms of pleadings. The

The reaſon they bring is this; That Naturalization is an operation of the Law of *England*: and ſo indeed it is, that may be the true *genus* of it.

Then they adde, (that granted) that the Law of *England* is of force only within the Kingdom and Dominions of *England*, and cannot operate, but where it is of force. But the Law is not in force in *Scotland*; therefore that cannot endure this benefit of Naturalization by a birth in *Scotland*.

This reaſon is plauſible and ſenſible, but extreamly erroneous. For the Law of *England*, for matters of benefit, or forfeitures in *England*, operateth over the World. And becauſe it is truly ſaid, that *Reſpublica continetur pœna, & præmio*, I will put a caſe or two of either.

It is plain, that if a Subject of *England* had conſpired the death of the King in forreign parts, it was by the Common Law of *England*, Treaſon. How prove I that? By the Statute of 35 of *H.* 8. *cap.* 2. wherein you ſhall find no words at all of making any new caſe of Treaſon, which was not Treaſon before, but only of ordaining a form of trial; *Ergo*, it was Treaſon before. And if ſo, then the Law of *England* works in forreign parts. So of Contempts, if the King ſend his Privy Seal to any Subject beyond the Seas, commanding him to return, and he diſobey; no man will doubt, but there is a contempt, and yet the fact enduring the contempt was committed in forreign parts.

Therefore the Law of *England*, doth extend to Acts or matters done in forreign parts. So of Reward, Priviledge or benefit, we need ſeek no other inſtance, then the inſtance in queſtion; for I will put you a caſe that no man ſhall deny, where the Law of *England* doth work and conferr the benefit of Naturalization upon a birth neither within the Dominions of the Kingdom, nor King of *England*. By the Statute of 25 *E.* 3. which, if you will believe *Huſſey*, is but a Declaration of the Common Law, all children born in any parts of the World, if they be of *Engliſh* Parents, continuing at that time, as liege Subjects to the King, and having done no act to forfeit the benefit of their Allegiance are *ipſo facto* naturallized. Nay, if a man look narrowly into the Law in this point, he ſhall find a conſequence, that may ſeem at the firſt ſtrange, but yet cannot be well avoided; which is, that if divers Families of *Engliſh*-men and women plant themſelves at *Middleborough*, or at *Roane*, or at *Lysbone*, and have iſſues, and their deſcendents do intermarry amongſt themſelves, without any intermixture of foreign blood, ſuch deſcendents are naturalized to all generations; for every generation is ſtill of liege Parents, and therefore naturalized: So as you may have whole tribes and lineages of *Engliſh* in forreign Countries.

And therefore it is utterly untrue, that the Law of *England* cannot operate, or conferr naturalization, but only within the bounds of the Dominions of *England*.

To come now to their inferences upon Statutes. The firſt is out of this Statute which I laſt recited. In which Statute it is ſaid, that in four ſeveral places there are theſe words; born within the allegeance of *England*; or again born without the allegiance of *England*: which (ſay they) applies the allegiance to the Kingdom, and not to the perſon of the King: To this the anſwer is eaſie: for there is no trope of ſpeech more familiar, then to uſe the place of addition for the perſon. So we ſay commonly the line of *York*, or the line of *Lancaſter*, for the lines of the Duke of *York*, or the Duke of *Lancaſter*.

So we ſay, the poſſeſſions of *Sommerſet*, or *Warwick*, intending the poſſeſſions of the Dukes of *Sommerſet*, or Earls of *Warwick*. So we ſee Earls ſign,

sign, *Salisbury, Northampton*, for the Earls of *Salisbury*, or *Northampton*. And in the very same manner, the Statute speaks, allegiance of *England*, for allegiance of the King of *England*. Nay more, if there had been no variety in the penning of that Statute, this collection had had a little more force, for those words might have been thought to have been used of purpose, and in propriety; but you may find in three other several places of the same Statute, *Allegiance* and *obeysance* of the King of *England*, and specially in the material and concluding place, that is to say, children whose Parents were at the time of their birth, at the *faith* and *obeysance* of the King of *England*: so that it is manifest by this indifferent and promiscuous use of both phrases, the one proper, the other unproper, that no man can ground any inference upon these words without danger of cavillation.

The second Statute out of which they inferre, is a Statute made in 32 of *H.* 8. *ca.* touching the policy of Strangers Tradesmen within this Realm. For the Parliament finding, that they did eat the *English-men* out of Trade, and that they entertained no Apprentices, but of their own Nation, did prohibite that they should receive any Apprentice, but the Kings Subjects. In which Statute is said, that in 9. several places, there is to be found this context of words, *Aliens born out of the Kings obedience*; which is pregnant (say they) and doth imply, that there be *Aliens* born within the Kings obedience. Touching this inference, I have heard it said, *Qui hæret in litera, hæret in cortice*; but this is not worthy the name of *cortex*, it is but *muscus corticis*, the mosse of the bark. For it is evident that the Statute meant to speak clearly, and without equivocation, and to a common understanding. Now then there are *Aliens* in common reputation, and *Aliens* in precise construction of Law. The Statute then meaning not to comprehend *Irish-men*, or *Jersey-men*, or *Calice*-men, for explanation sake, lest the word *Alien* might be extended to them in a vulgar acceptance, added those further words, *born out of the Kings obedience*. Nay, what if we should say, that those words according to the received Laws of Speech, are no words of inference or limitation, but of declaration or description of an *Alien*, as if it had been said with a *videlicet*, *Aliens*; that is, such as are born out of the Kings obedience: they cannot put us from that construction. But sure I am, if the bark make for them, the pyth makes for us; for the Priviledge or liberty which the Statute means to deny to *Aliens* of entertaining Apprentices, is denyed to none born within the Kings obedience, call them *Aliens*, or what you will. And therefore by their reason a *Post-natus* of *Scotland* shall by that Statute keep what Stranger Apprentices he will, and so is put in the degree of an *English*.

The third Statute out of which inference is made, is the Statute of 14 *E.* 3. *cap. solo*, which hath been said to be our very case; and I am of that opinion too, but directly the other way; therefore to open the scope and purpose of that Statute. After that the Title to the Crown of *France* was devolute to King *Edward* the 3d. and that he had changed his Stile, changed his Arms, changed his Seal, (as His Majesty hath done) the Subjects of *England* (saith the Statute) conceived a fear, that the Realm of *England* might become subject to the Realm of *France*, or to the King, as King of *France*. And I will give you the reasons of the double fear; that it should become subject to the Realm of *France*, they had this reason of fear, *Normandy* had Conquered *England*; *Normandy* was feudall of *France*: therefore, because the superiour Seignory of *France* was now united in right with the Te-

nancy of *Normandy*; and that *England* in regard of the conqueſt, might be taken as a perquiſite to *Normandy*, they had probable reaſon to fear, *that the Kingdom of* England *might be drawn to be ſubject to the Realm of* France. The other fear that *England* might become ſubject to the King as King of *France*, grew no doubt of this fore-ſight, *that the Kings of* England *might be like to make their manſion and ſeat of their eſtate in* France, *in regard of the Climate, wealth, and glory of that Kingdom; and thereby the Kingdom of* England *might be governed by the Kings mandates and precepts iſſuing, as from the King of* France. But they will ſay, whatſoever the occaſion was, here you have the difference authorized of ſubjection to a King generally, and ſubjection to a King, as King of a certain Kingdom. But to this I give an anſwer three-fold.

Firſt, It preſſeth not the queſtion; for doth any man ſay, that a *Poſt-natus* of *Scotland* is naturalized in *England*, becauſe he is a ſubject of the King, as King of *England?* No, but generally, becauſe he is the Kings Subject.

Secondly, The ſcope of this Law is to make a diſtinction between Crown and Crown; but the ſcope of their argument is to make a difference between Crown and Perſon.

Laſtly, This Statute (as I ſaid) is our very caſe retorted againſt them; for this is a direct Statute of ſeparation, which preſuppoſeth, that the Common Law had made an union of the Crowns in ſome degree, by vertue of the union in the Kings perſon, if this Statute had not been made to ſtop and croſſe the courſe of the Common Law in that point: as if *Scotland* now ſhould be ſuitors to the King, that an Act might paſſe to like effect, and upon like fear. And therefore if you will make good your diſtinction, in this preſent caſe, ſhew us a Statute for that. But I hope you can ſhew no Statute of ſeparation between *England* and *Scotland*. And if any man ſay, that this was a Statute declaratory of the Common Law, he doth not mark how that is penned; for after a kind of Hiſtorical declaration in the Preamble, that *England* was never ſubject to *France*, the body of the Act is penned thus, *The King doth grant and eſtabliſh*; which are words meerly introductive *novæ legis*, as if the King gave a Charter of *Franchiſe*, and did inveſt by a *Donative*, the Subjects of *England* with a new Priviledge or exemption, which by the Common Law they had not.

To come now to the Book-caſes which they put, which I will couple together, becauſe they receive one joynt anſwer.

The firſt is 42 *E.* 3. *fo.* where the Book ſaith, exception was taken that the Plaintiff was born in *Scotland* at *Roſſe*, out of the allegiance of *England*.

The next is 22 *H* 6. *fo.* 38. *Adrians* Caſe, where it is pleaded that a woman was born at *Burgis*, out of the allegiance of *England*.

The third is 1 / *Eliz. Dyer fo.* 300. where the caſe begins thus; *Doctor Story qui notoriè dignoſcitur eſſe ſubditus regni Angliæ.* In all theſe three (ſay they) that is pleaded, that the party is ſubject of the Kingdom of *England*, and not of the King of *England*.

To theſe Books I give this anſwer, That they be not the Pleas at large, but the words of the Reporter, who ſpeaks compendiouſly and narrative, and not according to the ſolemn words of the pleading. If you find a caſe put, that it is pleaded, a man was ſeiſed in Fee-ſimple, you will not inferr upon that, that the words of the pleading were *in feodo ſimplici*, but *ſibi & hæredibus ſuis*. But ſhew me ſome preſident of a pleading at large of *Natus ſub legeantia Regni Angliæ*; for whereas Mr. *Walter* ſaid, that pleadings

are

are variable in this point, he would fain bring it to that; but there is no such matter: For the pleadings are constant, and uniform in this point; they may vary in the word *fides*, or *legeantia*, or *obedientia*, and some other circumstances, but in the form of *Regni* and *Regis*, they vary not; neither can there, as I am perswaded, be any one instance shewed forth to the contrary. See *9 Eliz.* 4. *Baggots Assise*, *f.* 7. where the pleading at large is entred in the Book; There you have, *alienigena natus extra legeantiam domini Regis Angliæ*. See the Presidents in the Book of Entries, *Pl.* 7. and two other places; for there be no more, and there you shall find still, *sub legeantia Domini Regis*, or *extrà legeantia Domini Regis*. And therefore the forms of pleading, which are things so reverend, and are indeed towards the Reasons of the Law, as *Palma*, and *Pugnus*, containing the Reason of the Law, opened, or unfolded, or displayed, they make all for us. And for the very words of Reporters in Books, you must acknowledge and say, *Ilicet obruimur numero*. For you have 22 *Ass. Pl.* 25. 27 *ass* the *Prior of Skellyes case*, *Pl.* 48. 14 *H.* 4. *f.* 19. 3 *H.* 6. *f.* 35. 6 *H.* 8. in my Lord *Dyer*, *fol.* 2. In all these Books the very words of the Reporters have the *allegiance of the King*, and not the *allegiance of England*. And the Book in the 24 of *Edw.* 3. which is your best Book, although while it is tossed at the Barr, you have sometimes the word *allegiance of England*; yet when it comes to *Thorpe* Chief Justice to give the rule, he saith, We will be certified by the Roll, whether *Scotland* be within the allegiance of the King. Nay that further form of pleading beateth down your opinion, That it sufficeth not to say, that he is born out of the *allegiance* of the King, and stay there; but he must shew in the affirmative, under the *allegiance* of what King, or State he was born. The Reason whereof cannot be, because it may appear whether he be a Friend or an Enemy, for that in a real action is all one; nor it cannot be because issue shall be taken thereupon; for the issue must arise on the other side upon *indigena* pleaded and traversed. And therefore it can have no other reason, but to apprise the Court more certainly, that the Countrey of the birth is none of those, that are subject to the King. As for the tryal, that it should be impossible to be tryed, I hold it not worth the answering; for the *venire facias* shall go either where the natural birth is laid, although it be but by fiction; or if it be laid according to the truth, it shall be tryed where the action is brought, otherwise you fall upon a main Rock, that breaketh your *Argument* in pieces; for how should the birth of an *Irish*-man be tryed, or of a *Jersey*-man? Nay, how should the birth of a Subject be tryed that is born of *English Parents* in *Spain*, or *Florence*, or any part of the world? for to all these the like objection of tryal may be made, because they are within no Counties; and this receives no answer. And therefore I will now pass on to the second main Argument.

It is a rule of the Civil Law, say they, *cum duo jura*, *&c.* when two rights do meet in one person, there is no confusion of them, but they remain still in the eye of Law distinct, as if they were in several persons; and they bring examples of one man Bishop of two Sees, or one Parson that is Rector of two Churches. They say this unity in the Bishop, or the Rector, doth not create any privity between the Parishioners or Diocesaners, more then if there were several Bishops, or several Parsons. This Rule I allow (as was said) to be Rule not of the Civil Law only, but of common reason, but receiveth no forced or coyned, but a true and sound distinction, or limitation, which is, that it evermore faileth and deceiveth in cases, where there is any *vigor*, or *operation* of the natural person; for generally in *corpo-*

rations the natural body is but *ſuffulcimentum corporis corporati*, it is but as a ſtock to uphold and bear out the corporate body; but otherwiſe it is in the caſe of the Crown, as ſhall be manifeſtly proved in due place. But to ſhew that this rule receiveth this diſtinction, I will put but two caſes. The Statute of 21 *Hen.* 8. ordaineth, that a Marqueſs may retain ſix *Chaplains* qualified; a Lord Treaſurer of *England* four; a Privy Counſellor three. The Lord Treaſurer *Paulet* was Marqueſs of *Winchester*, Lord Treaſurer of *England*, and Privy Counſellor, all at once. The queſtion was, whether he ſhould qualifie 13. *Chaplains?* Now by the Rule *cum duo Jura*, he ſhould; but adjudged, he ſhould not. And the Reaſon was, becauſe the attendance of Chaplains concerned and reſpected his natural perſon: he had but one ſoul, though he had three Offices. The other caſe which I will put, is the caſe of Homage; a man doth Homage to his Lord for a Tenancie held of the Mannor of *Dale*, there deſcendeth unto him afterwards a Tenancie held of the Mannor of *Sale*, which Mannor of *Sale* is likewiſe in the hands of the ſame Lord. Now by the Rule *cum duo Jura*, he ſhould do Homage again; two Tenancies, and two Seignories, though but one Tenant, and one Lord, *æquum eſt ac ſi eſſet in duobus*. But ruled that he ſhould not do Homage again: nay in the Caſe of the King, he ſhall not pay a ſecond reſpect of Homage, as upon grave and deliberate conſideration it was reſolved, 24 *H.* 8. and *Uſus Scaccarii*, as is there ſaid accordingly. And the Reaſon is no other, but becauſe when a man is ſworn to his Lord, he cannot be ſworn over again, he hath but one Conſcience, and the Obligation of this Oath trencheth between the natural perſon of the Tenant, and the natural perſon of the Lord. And certainly the Caſe of Homage and Tenure, and of Homage Liege, which is one caſe, are things of a neer Nature, ſave that the one is much interiour to the other; but it is good to behold theſe great matters of State in caſes of lower Element, as the Eclipſe of the Sun is uſed to be in a pail of Water.

The third main Argument contameth certain ſuppoſed inconveniences, which may enſue of a general Naturalization *ipſo jure*, of which kind three have been ſpecially remembred.

The firſt is the loſſe of profit to the King upon Letters of Denization, and purchaſes of *Aliens*.

The ſecond is, the concourſe of *Scottiſhmen* into this Kingdom, to the infeebling of that Realm of *Scotland* in people, and the impoveriſhing of this Realm of *England* in wealth.

The third is, that the reaſon of this caſe ſtayeth not within the compaſs of the preſent caſe; for although it were ſome reaſon that *Scottiſhmen* were naturalized, being people of the ſame *Iſland*, and *language*; yet the reaſon which we urge, which is, That they are ſubject to the ſame King, may be applyed to perſons every way more eſtranged from us than they are: As if in future time in the Kings deſcendents there ſhould be a match with *Spain*, and the Dominions of *Spain* ſhould be united with the Crown of *England*, by one reaſon (ſay they) all the *Weſt-Indies* ſhould be naturalized; which are people not only *alterius Soli*, but *alterius Cœli*.

To theſe conceits of inconvenience, how eaſie it is to give anſwer, and how weak they are in themſelves, I think no man that doth attentively ponder them can doubt; For how ſmall revenue can ariſe of ſuch *Denizations*? and how honourable were it for the King to take eſcheats of his Subjects, as if they were *forreigners*; (for ſeiſure of *Aliens* lands are in regard the King hath no hold or command of their perſons, and ſervices) every one may

may perceive? And for the confluence of *Scottish*-men, I think we all conceive the *Spring-tide* is past at the Kings first comming in. And yet we see very few Families of them, throughout the Cities and Boroughs of *England*. And for the naturalizing of the *Indies*, we can readily help that, when the case comes; for we can make an Act of Parliament of separation, if we like not their consort. But these being Reasons Politick, and not Legal, (and we are not now in Parliament, but before a Judgement Seat) I will not meddle with them, specially since I have one answer which avoyds and confounds all their objections in Law, which is, that the very self-same objections do hold in Countries purchased by Conquest. For in Subjects obtained by Conquest, it were more profit to indenizate by the Poll, in Subjects obtained by Conquest, they may come in too fast. And if King *Hen.* 7. had accepted the offer of *Christopher Columbus*, whereby the Crown of *England* had obtained the *Indies* by *conquest* or *occupation*, all the *Indies* had been naturalized by the confession of the adverse part. And therefore since it is confessed, that Subjects obtained by Conquest are naturalized, and that all these objections are common and indifferent, as well to case of Conquest, as case of descent, these objections are in themselves destroyed.

And therefore to proceed now to overthrow that distinction of descent and Conquest. *Plato* saith well, the strongest of all authorities is, if a man can alledge the authority of his adversaries against himself; we do urge the Confession of the other side, that they confessed the *Irish* are *naturalized*, that they confess the Subjects of the *Isles of Jersey* and *Gernesey*, and *Berwick*, to be *naturalized*, and the subjects of *Calice* and *Tourney* when they were *English* were *naturalized*, as you may find in the 5 *Eliz.* in *Dyer*, upon the question put to the Judges by Sir *Nicholas Bacon* Lord Keeper.

To avoid this, they flye to a difference, which is new coyned, and is (I speak not to the disadvantage of the persons that use it, for they are driven to it, *tanquam ad ultimum refugium*, but the difference it self) it is I say full of *ignorance* and *error*. And therefore to take a view of the supports of this difference, they alledge four Reasons.

The first is, that Countreys of Conquest, are made parcell of *England*; because they are acquired by the Arms and Treasure of *England*. To this I answer, That it were a very strange *Argument*, that if I wax rich upon the *Mannor of Dale*, and upon the Revenue thereof purchase a Close by it, that it should make that parcell of the *Mannor of Dale*. But I will set this new Learning on ground with a question or case put. For I oppose them that hold this opinion with this Question, if the King should conquer any Forreign Countrey by an Army compounded of *English*-men and *Scottish*-men, as it is like whensoever Warrs are, so it will be. I demand whether this Countrey conquered shall be *naturalized* both in *England* and *Scotland*, because it was purchased by the joynt Arms of both? And if yea, whether any man will think it reasonable, that such Subjects be *naturalized* in both Kingdoms, the one Kingdom not being naturalized towards the other? *These are the intricate consequences of Conceits.*

A second reason they alledge, is, that Countreys won by Conquest become subject to the Laws of *England*, which *Countries Patrimonial* are not, and that the Law doth draw the *Allegiance*, and *Allegiance Naturalization*.

But to the *Major proposition* of that *Argument*, touching the dependency of *Allegiance* upon Law, somewhat hath been already spoken, and full answer shall be given when we come to it. But in this place it shall suffice to say, that the *Minor proposition* is false, that is, that the Laws of *England* are not

not ſuperinduced upon any Country by Conqueſt; but that the old Laws remain untill the King by his *Proclamation* or *Letters Patents* declare other Laws, and then if he will, he may declare Laws which be utterly repugnant, and differing from the Laws of *England*. And hereof many antient Preſidents and Records may be ſhewed, that the Reaſon why *Ireland* is ſubject to the Laws of *England*, is not *ipſo jure* upon Conqueſt; but grew by a *Charter* of King *John*, and that extended but to ſo much as was then in the Kings poſſeſſion. For there are Records in the time of King *Ed.* 1. and 2. of divers particular Grants to ſundry Subjects of *Ireland*, and their Heirs, that they might uſe and obſerve the Lawes of *England*.

The third Reaſon is, that there is a politick neceſſity of intermixture of people in caſe of ſubjection by Conqueſt, to remove alienations of mind, and to ſecure the State, which holdeth not in caſe of Deſcent. *Here I perceive Mr.* Walter *hath read ſomewhat in matter of State, and ſo have I likewiſe, though we may both quickly loſe our ſelves in cauſes of this nature.* I find by the beſt opinions, that there be two means to aſſure and retain in obedience Countryes conquered, both very differing, almoſt in extreams the one towards the other.

The one is by *Colonies*, and intermixture of *people*, and *tranſplantation of Families*,, which Mr. *Walter* ſpoke of, and it was indeed the *Roman manner:* but this is like an old relique, much reverenced, and almoſt never uſed. But the other, which is the modern manner, and almoſt wholly in practice and uſe, is by *Garriſons* and *Cittadells*, and *Liſts* or *Companies* of men of *Warr*, and other like matters of *terror* and *bridle*.

To the firſt of theſe (which is little uſed) it is true, that *naturalization* doth conduce; but to the latter, it is utterly oppoſite, as putting too great pride, and means to do hurt, in thoſe that are meant to be kept ſhort and low. And yet in the very firſt caſe of the *Roman* proceeding, *Naturalization* did never follow by Conqueſt, during all the growth of the *Roman* Empire, but was ever conferred by *Charters*, or *Donations*, ſometimes to *Cities*, and *Towns*, ſometimes to particular perſons, and ſometimes to *Nations*, untill the time of *Adrian* the Emperor, and the Law in *Orbe Romano*, and that *Law* or *Conſtitution* is not referred to title of *Conqueſt* and *Arms* only, but to all other titles; as by the *Donation* and *Teſtament of Kings*, by *ſubmiſsion*, and *dedition of States*, or the like. So as this difference was as ſtrange to them, as to us. And certainly I ſuppoſe it will ſound ſtrangely in the hearing of Forreign Nations, that the Law of *England* ſhould *ipſo facto, naturalize ſubjects of Conqueſt*, and ſhould not *naturalize Subjects which grow unto the King by deſcent*; that is, that it ſhould conferr the benefit and priviledge of naturalization upon ſuch, as cannot at the firſt but bear hatred and rancor to the State of *England*, and have had their hands in the bloud of the Subjects of *England*, and ſhould deny the like benefit to thoſe that are conjoyned with them by a more amiable mean: And that the Law of *England* ſhould conferre *naturalization* upon ſlaves and vaſſals, (for people conquered are no better in the beginning) and ſhould deny it to Free-men, I ſay it will be marvelled at abroad, of what complexion the Laws of *England* be made, that breedeth ſuch differences. But there is little danger of ſuch ſcandals; for this is a difference that the Law of *England* never knew.

The fourth reaſon of this difference is, that in caſe of Conqueſt, the territory united can never be ſeparated again. But in caſe of deſcent, there is a poſſibility, if his Majeſties line ſhould fail, the Kingdomes may ſever again

again to their respective heirs, as in the case of 8 *H. 6.* where it is said, that if Land descend to a man, from the Ancestor, on the part of his Father, and a rent issuing out of it, from an Ancestor, on the part of the Mother, if the party dye without issue, the Rent is revived. As to this Reason, I know well the continuance of the Kings line, is no less dear to those that alleadge the reason, then to us that confute it. So as I do not blame the pailing of the reason; but it is answered with no great difficulty: for first, the Law doth never respect remote and forein possibilities, as notably appeared in the great case between Sir *Hugh Cholmley*, and *Houlford*, in the Exchequer, where one in the remainder, to the end to bridle tenant in tayle from suffering a common recovery, granted his remainder to the King, and because he would be sure to have it out again, without charge or trouble, when his turn was served; he limited it to the King, during the life of tenant in tayle. Question grew whether this grant of remainder were good, yea, or no. And it was said to be frivolous and void, because it could never by any possibility execute; for tenant in tayl cannot surrender, and if he dyed, the remainder likewise ceased. To which it was answered, *that there was a possibility, that it might execute, which was thus*; Put case that tenant in tail should enter into Religion, having no issue: then the remainder should execute, and the King should hold the land during the natural life of tenant in tail, notwithstanding his civil death. But the Court *una voce* exploded this reason, and said, *that Monasteries were down, and entries into Religion gone*; and they must be up again ere this could be, and that the Law did not respect such remote and forreign possibilities, and so we may hold this for the like; for I think we all hope, that neither of those dayes shall ever come, either for Monasteries to be restored, or for the Kings line to fail, but the true answer is, that the possibility subsequent, remote, or not remote, doth not alter the operation of Law for the present. For that should be, as if in case of the Rent which you put, you should say, that in regard that the rent may be severed, it should be said to be in *esse* in the mean time, and should be grantable, which is clearly otherwise. And so in the principal case, if that should be (which God of his goodness forbid) *cessante causâ, cessat effectus*, the benefit of naturalization for the time to come is dissolved. But that altereth not the operation of the Law, *Rebus sic stantibus*. And therefore I conclude, that this difference is but a devise full of weakness and ignorance; and that there is one and the same reason of naturalizing subjects by descent, & subjects by conquest, and that is the union in the person of the King; *and therefore that the case of Scotland is as clear, as that of Ireland, and they that grant the one, cannot deny the other.* And so I conclude the second part, touching confutation.

To proceed therefore to the proofs of our part, your Lordships cannot but know many of them must be already spent, in the answer which we have made to the objections. For *corruptio unius, generatio alterius*, holds as well in *Arguments*, as in *Nature*, the destruction of an objection begets a proof. But nevertheless, I will avoid all iteration, lest I should seem either to distract your memories, or to abuse your patience; But will hold my self only to these proofs, which stand substantially of themselves, and are not intermixed with matter of *confutation*. I will therefore prove unto your Lordships, that the *post-natus of Scotland* is by the Law of *England* naturall, and ought so to be adjudged by three courses of proof.

1. *First upon point of favour of Law.*
2. *Secondly, upon reasons and authorities of Law.*
3. *And Lastly, upon former presidents and examples.*

Favour

Favour of Law, what mean I by that? the Law is equall, and favoureth not: It is true, not perſons: but things or matters it doth favour. Is it not a common principle, that the Law favoureth three things, *Life*, *Liberty*, and *Dower*? And what is the reaſon of this favour? This, *becauſe our Law is grounded upon the Law of Nature.* And theſe three things do flow from the Law of Nature, *preſervation of life Natural*; *Liberty*, *which every Beaſt or Bird ſeeketh and affecteth naturally*; *the ſociety of man and wife*, *whereof Dower is the reward naturall.* It is well, doth the Law favour *Liberty* ſo highly, as a man ſhall infranchiſe his bond-man, when he thinketh not of it, by granting to him *Lands or Goods*? And is the reaſon of it, *quia natura omnes homines erant liberi*? and that *ſervitude* or *villenage*, doth croſſe and abridge the Law of Nature? And doth not the ſelf-ſame reaſon hold in the preſent caſe? For, my Lords, by the Law of Nature, all men in the world are naturalized one towards another, they were all made of one lump of earth, of one breath of God, they had the ſame common Parents. Nay, at the firſt they were, as the Scripture ſheweth, *unius Labii*, *of one language*, untill the curſe, which curſe (thanks be to God) our preſent caſe is exempted from. It was *Civil* and *National Laws*, that brought in theſe words, and differences of *Civis* and *Exterus*, *Alien* and *Native*; and therefore becauſe they tend to abridge the Law of Nature, the Law favoureth not them, but takes them ſtrictly, even as our Law hath an excellent rule, that cuſtoms of Towns and Burroughs ſhall be taken and conſtrued ſtrictly and preciſely, becauſe they do abridge and derogate from the Law of the Land. So by the ſame reaſon all *National Laws* whatſoever are to be taken ſtrictly and hardly in any point wherein they abridge, and derogate from the Law of Nature. Whereupon I conclude that your Lordſhips cannot judge the Law for the other ſide, except the caſe be *Luce clarius*. And if it appear to you but doubtfull, as I think no man in his right ſenſes but will yield it to be at leaſt doubtfull, *Then ought your Lordſhips* (*under your correction be it ſpoken*) *to pronounce for us*, *becauſe of the favour of the Law.* Furthermore, as the Law of *England* muſt favour *Naturalization*, as a branch of the *Law of Nature:* ſo it appears manifeſtly, that it doth favour it accordingly. For is it not much to make a Subject naturalized? By the Law of *England* it ſhould ſuffice, either place, or Parents; if he be born in *England*, it is no matter though his Parents be *Spaniards*, or what you will. On the other ſide, if he be born of *Engliſh Parents*, it skilleth not though he be born in *Spain*, or in any other place of the World. In ſuch ſort doth the Law of *England* open her lap to receive in people to be naturalized, which indeed ſheweth the wiſdom and excellent compoſition of our Law. And that it is the Law of a Warlike and Magnanimous Nation, fit for Empire. For look, and you ſhall find that ſuch kind of eſtates have been ever liberal in point of Naturalization: whereas Merchant-like and envious eſtates have been otherwiſe. For the reaſons of Law, joyned with authorities, I do firſt obſerve to your *Lordſhips*, that our aſſertion or affirmation is ſimple and plain; that it ſufficeth to naturalization, that there be one King, and that the party be, *natus ad fidem Regis*, agreeable to the definition of *Littleton*, which is, *Alien* is he which is born out of the allegeance of our *Lord the King.* They of the other ſide ſpeak of reſpects, and *quoad*, and *quatenus*, and ſuch ſubtilties and diſtinctions. To maintain therefore our aſſertion, I will uſe three kinds of proofs.

The firſt is, *That allegeance cannot be applyed to the Law or Kingdom, but to the perſon of the King, becauſe the allegeance of the Subject is more large and ſpacious, and hath a greater latitude, and comprehenſion, then the Law or the Kingdom*

dom. And therefore it cannot be a dependency of that, without the which it may of it self subsist.

The second proof which I will use, is, *that the Natural body of the King hath an operation and influence into his Body politique, as well as his Body politique hath upon his Body natural; And therefore, that although his Body politique of King of* England, *and his Body politique of King of* Scotland *be several, and distinct: Yet nevertheless, his Natural person, which is one, hath an operation upon both, and createth a privity between them.*

And the third proof is, *the binding text of five several statutes.*

For the first of these, I shall make it manifest, that the allegeance is of a greater extent, and dimension, then Lawes or Kingdom, and cannot consist by the Laws meerly, because it began before Laws, it continueth after Laws, and it is in vigour where Laws are suspended, and have not their force. That it is more antient then Law, appeareth by that which was spoken in the beginning by way of inducement, where I did endeavour to demonstrate, that the original age of Kingdoms was governed by *Natural equity*; that *Kings* were more antient than *Law-givers*; that the first *submissions* were *simple*, and upon *confidence* to the person of *Kings*; and that the *Allegeance* of *Subjects* to *hereditary Monarchy*, can no more be said to consist by *Laws*, than the *obedience* of *Children* to *Parents*.

That Allegeance continueth after Laws, I will only put the case, which was remembred by two great Judges in a great Assembly, the one of them them now with God, which was; *That if a King of* England *should be expulsed his Kingdom, and some particular Subjects should follow him in flight, or exile in forreign parts, and any of them there should conspire his death; that upon his recovery of his Kingdom, such a Subject might by the Law of* England *be proceeded with, for Treason committed and perpetrated at what time he had no Kingdom, and in place where the Law did not bind.*

That Allegeance is in vigour and force, where the power of Law hath a cessation, appeareth notably in time of Warrs; for, *silent leges inter arma*. And yet the Soveraignty, and Imperial power of the King, is so farr from being then extinguished, or suspended, as contrariwise it is raised, and made more absolute, for then he may proceed by his Supream Authority, and Martial Law, without observing formalities of the Laws of his Kingdom. And therefore whosoever speaketh of Laws, and the Kings power by Laws, and the Subjects obedience, or allegeance to Laws, speak but of one half of the Crown; for *Bracton* out of *Justinian* doth truly define the Crown to consist of Laws and Arms, power Civil and Martial, with the latter whereof the Law doth not intermeddle; so as where it is much spoken, that the Subjects of *England* are under one Law, and the Subjects of *Scotland* are under another Law, it is true at *Edenborough* or *Sterling*, or again in *London*, or *York*; but if *English* men and *Scotish* men meet in an Army Royal before *Calice*, I hope then they are under one Law: So likewise not only in time of warr, but in time of peregrination, if a King of *England* travell, or pass through forrain territories, yet the allegeance of his Subjects followeth him, as appeareth in that notable case which is reported in *Fleta*, where one of the train of King *Edward* 1. as he past through *France* from the *Holy Land*, imbezelled some silver Plate at *Paris*, and Jurisdiction was demanded of this crime by the *French* Kings Counsel at Law, *Ratione soli*; and demanded likewise by the Officers of King *Edward*, *ratione personæ*; and after much solemnity, contestation, and interpleading, it was ruled and determined for King *Edward*, and the party tryed and judged before the Knight Marshal of

the Kings houſe, and hanged after the *Engliſh* Law, and execution in St. *Germains* meadows: and ſo much for my firſt proof.

For my ſecond main proof, that is drawn from the true and legal diſtinction of the Kings ſeveral capacities; for they that maintain the contrary opinion, do in effect deſtroy the whole force of the Kings natural capacity, as if it were drowned and ſwallowed up by his politique. And therefore I will firſt prove to your Lordſhips, that his two capacities are in no ſort confounded; and ſecondly, that as his capacity politique worketh ſo upon his natural perſon, as it makes it differ from all other the natural perſons of his Subjects: ſo *è converſo*, his natural body worketh ſo upon his politique, as the Corporation of the Crown utterly differeth from all other Corporations within the Realm.

For the firſt I will vouch you the very words which I find in that notable caſe of the Dutchie, where the queſtion was, whether the grants of King *Edw. 6.* for Dutchy lands ſhould be avoyded in points of nonage. The caſe, as your Lordſhips know well, is reported by Mr. *Plowden*, as the general reſolution of all the Judges of *England*, and the Kings learned Counſell, *Ruſſwell* the Sollicitor only excepted, there I find the ſaid words, *Comment. fol.* 215. *There is in the King not a body natural alone, nor a body politique alone, but a body natural and politique together; corpus corporatum in corpore naturali, & corpus naturale in corpore corporato.* The like I find in the great caſe of the Lord *Barkeley* ſet down by the ſame Reporter, *Comment. fol.* 234. *Though there be in the King two bodies, and that thoſe two bodies are conjoyned; yet are they by no means confounded the one by the other.*

Now then to ſee the mutual and reciprocal entercourſe, as I may term it, or influence, or communication of qualities that theſe bodies have the one upon the other. The body politique of the Crown indueth the natural perſon of the King with theſe perfections; That the King in Law ſhall never be ſaid to be within age; That his blood ſhall never be corrupted; And that, if he were attainted before, the very aſſumption of the Crown purgeth it; That the King ſhall not take but by matter of Record, although he take in his natural capacity, as upon a gift in tail; That his body in Law ſhall be ſaid to be as it were immortal; for there is no death of the King in Law, but a demiſe as it is termed: with many other the like Priviledges and differences from other natural perſons, too long to rehearſe, the rather, becauſe the queſtion laboureth not in that part. But on the contrary part, let us ſee what operations the Kings natural perſon hath upon his Crown and body politique; Of which the chiefeſt and greateſt is, that it cauſeth the Crown to go by deſcent, which is a thing ſtrange, and contrary to the courſe of all Corporations, which evermore take in ſucceſſion, and not by deſcent; for no man can ſhew me in all the Corporations of *England*, of what nature ſoever, whether they be conſiſt of one perſon, or of many, or whether they be Temporal or Eccleſiaſtical, any one takes to him and his heirs, but all to him and his ſucceſſors; and therefore here you may ſee what a weak courſe that is, to put caſes of Biſhops, and Parſons, and the like, and to apply them to the Crown. For the King takes to him and his heirs in the manner of a natural body, and the word ſucceſſors is but ſuperflous, and where that is uſed that is ever duly placed after the word heirs, *The King his heirs and ſucceſſors.*

Again, no man can deny but *uxor & filius ſunt nomina naturæ.* A Corporation can have no wife; nor a Corporation can have no ſon; how is it then, that it is treaſon to compaſs the death of the Queen, or of the Prince, there is no part of the body politique of the Crown in either of them, but

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it is entirely in the King. So likewise we find in the case of the Lord *Barkley*, the question was, whether the Statute of 35 *H.* 8. for that part which concerned Queen *Katherine Pars* joynture were a publique act or no, of which the Judges ought to take notice, not being pleaded: And judged a publique Act. So the like question came before your Lordship, my Lord Chancellor, in Serjeant *Heales* case, whether the Statute of 11 of *Edw.* 3. concerning the intayling of the Dukedom of *Cornwall* to the Prince, were a publique Act or no? and ruled likewise a publique Act. Why? no man can affirm but these be operations of Law, proceeding from the dignity of the natural person of the King; for you shall never find that another Corporation whatsoever of a Bishop, or Master of a Colledge, or Major of *London*, worketh any thing in Law upon the wife, or son of the Bishop, or the Major. And to conclude this point, and withall to come near to the case in question, I will shew you where the natural person of the King hath not only an operation in the case of his wife and children, but likewise in the case of his Subjects, which is the very question in hand. As for example, I put this case, can a *Scottish* man who is a Subject to the natural person of the King, and not to the Crown of *England*, can a *Scottish* man, I say, be an enemy by the Law to the Subjects of *England*, or must he not of necessity, if he should invade *England*, be a Rebell, and no enemy not only as to the King, but as to the Subject? Or can any Letters of Mart or Repriſal be granted against a *Scottish* man that should spoyl an *English* mans goods at Sea? and certainly this case doth press exceeding near the principal case, for it proveth plainly, that the natural person of the King, hath such a communication of qualities with his body politique; as it makes the Subjects of either Kingdoms stand in another degree of privity one towards the other, then they did before. And so much for the second proof.

For the five Acts of Parliament which I spoke of which are concluding to this question.

The first of them is that concerning the banishment of *Hugh Spencer* in the time of King *Edw.* 2. In which act there is contained, the charge, and accusation whereupon his exile proceeded. One Article of which charge is set down in these words. *Homage and Oath of the Subject is more by reason of the Crown, than by reason of the person of the King: So that if the King doth not guide himself by reason in right of the Crown, his Lieges are bound by their oath to the Crown to remove the King.*

By which act doth plainly appear the perilous consequence of this distinction concerning the person of the King and the Crown. And yet I do acknowledge Justice, and ingenuously a great difference between that assertion and this, which is now maintained; for it is one thing to make things distinct, another thing to make them separable, *Aliud est distinctio, aliud separatio*, and therefore I assure my self, that those that now use and urge that distinction do as firmly hold, that the subjection to the Kings person, and to the Crown, are inseparable, though distinct, as I do. And it is true that the poyson of the opinion and assertion of *Spencer*, is like the poyson of a *Scorpion*, more in the tail then in the body: For it is the inference that they make, which is, *that the King may be deposed or removed*, that is the *treason* and *disloyalty* of that opinion; But by your leave the body is never a whit the more wholesom meat, for having such a tail belonging to it; therefore we see that is *Locus lubricus*, an opinion from which a man may easily slide into an absurdity. But upon this Act of Parliament I will only note one circumstance more, and so leave it, which may adde authority unto it in the

opinion of the wiſeſt, and that is, that theſe *Spencers* were not ancient Nobles or great Patriots, that were charged and proſecuted by upſtarts and favourites; for then it might be ſaid that it was but the action of ſome flatterers, who uſe to extoll the power of Monarchs to be infinite; but it was contrary, a proſecution of thoſe perſons, being Favourites, by the Nobility; ſo as the Nobility themſelves, which ſeldom do ſubſcribe to the opinion of an *infinite power* of *Monarchs*; Yet even they could not endure, but their blood did riſe to hear that opinion, that ſubjection is owing to the Crown, rather then to the perſon of the King.

The ſecond Act of Parliament which determined this caſe, is the act of Recognition in the firſt year of his Majeſtie, wherein you ſhall find, that in two ſeveral places, the one in the Preamble, the other in the body of the Act, the Parliament doth recognize, *That theſe two Realms of England and Scotland are under one Imperial Crown.* The Parliament doth not ſay, under one Monarchy, or King, which might referr to the perſon, but under one Imperial Crown, which cannot be applyed but to the Soveraign power of Regiment, comprehending both Kingdoms.

And the third Act of Parliament is the Act made in the fourth year of his Majeſties raign *for the abolition of hoſtile Lawes*; wherein your Lordſhips ſhall find likewiſe in two places, that the Parliament doth acknowledge, that there is an union of theſe two Kingdoms already begun in his Majeſties perſon. So as by the declaration of that Act, they have not only one King, but there is an union in inception in the Kingdoms themſelves.

Theſe two are Judgements in Parliament by way of declaration of Law, againſt which no man can ſpeak. And certainly theſe are righteous and true Judgements to be relied upon; not only for the authority of them, but for the verity of them; for to any that ſhall well and deeply weigh the effects of Law upon this conjunction, it cannot but appear, that although *partes integrales* of the Kingdom (as the Philoſophers ſpeak) ſuch as the Laws, the Officers, the Parliament are not yet commixed; yet nevertheleſs there is but one and the the ſelf-ſame fountain of Soveraign power depending upon the antient ſubmiſſion, whereof I ſpake in the beginning; and in that ſenſe the Crowns and the Kingdoms are truly ſaid to be united.

And the force of this truth is ſuch, that a grave and learned Gentleman that defended the contrary opinion, did confeſs thus farr, That in ancient times when Monarchies (as he ſaid) were but heaps of people, without any exact form of policy, that then Naturalization and communication of Priviledges did follow the perſon of the Monarch; but otherwiſe ſince States were reduced to a more exact form: So as thus far we did conſent; but ſtill I differ from him in this, *that thoſe more exact forms wrought by time, and cuſtom, and Laws, are nevertheleſs ſtill upon the firſt foundation, and do ſerve only to perfect and corroborate the force and bond of the firſt ſubmiſsion, and in no ſort to diſannull or deſtroy it.*

And therefore with theſe two Acts do I likewiſe couple the Act of 14 *Ed.* 3. which hath been alledged of the ocher ſide; for by collating of that Act with this former two, the truth of that we affirm will the more evidently appear, according unto the rule of reaſon, *Oppoſita juxta ſe poſita magis eluceſcunt.* That Act of 14. is an Act of ſeparation. Theſe two Acts formerly recited are Acts tending to union. This Act is an act that maketh a new Law, it is by the words of *grant* and *eſtabliſh*; theſe two Acts declare the Common Law, as it is, being by words of *Recognition* and *Confeſsion.*

And therefore upon the difference of theſe Laws you may ſubſtantially ground

ground this position. That the Common Law of *England* upon the adjunction of any Kingdom unto the King of *England*, doth make some degree of union in the Crowns and Kingdoms themselves, except by a special Act of Parliament they be dissevered.

Lastly, the 5th. Act of Parliament which I promised, is the Act made in the 42 of *E.* 3. *cap.* 10. which is an express decision of the point in question. The words are, *Item*, (upon the Petition put into Parliament by the Commons,) *That Infants born beyond the Seas in the Seignories of* Callice, *and elsewhere within the lands and Seignories that pertain to our Soveraign Lord the King beyond the Seas, be as able and inheritable of their heritage in* England, *as other Infants born within the Realm of* England; *It is accorded, that the Common Law and the Statute formerly made be holden.*

Upon this Act I inferr thus much, first, that such as the Petition mentioneth, were naturalized, the practice shews; Then, if so, it must be either by Common-law, or Statute, for so the words report not by Statute; for there is no other Statute, but 25 *E.* 3. and that extends to the case of birth out of the Kings obedience, where the Parents are *English*; *Ergo*, it was by the Common-law, for that only remains. And so by the Declaration of this Statute at the Common-law, *All Infants born within the Lands and Seignories* (for I give you the very words again) *that pertain to our Soveraign Lord the King*; (it is not said, as are the Dominions of England) *are as able and inheritable of their heritage in* England, *as other Infants born within the Realm of* England: What can be more plain? And so I leave Statutes, and go to Presidents; for though the one do bind more, yet the other sometimes doth satisfie more. For Presidents, in the producing and using of that kind of proof, of all others it behoveth them to be faithfully vouched; for the suppressing, or keeping back of a circumstance may change the case: and therefore I am determined to urge only such Presidents, as are without all colour or scruple of exception, or objection, even of those objections which I have (to my thinking) fully answered and confuted. This is now, by the Providence of God, the fourth time that the line and Kings of *England* have had Dominions and Seigniories united unto them, as Patrimonies, and by descent of blood; four Unions I say there have been inclusive with this last. The first was of *Normandy*, in the person of *William* commonly called the *Conqueror*. The second was of *Gascoyne*, and *Guienne*, and *Anjou*, in the person of King *Henry* the 2d. in his person, I say, though by several titles. The third was of the Crown of *France*, in the person of King *Edward* the third. And the fourth of the Kingdom of *Scotland* in his Majesty. Of these I will set aside such, as by any cavillation can be excepted unto.

First, I will set aside *Normandy*, because it will be said, that the difference of Countries accruing by Conquest, from Countries annexed by descent in matter of communication of Priviledges, holdeth both wayes, as well of the part of the conquering Kingdom, as the conquered: and therefore, that although *Normandy* was not a Conquest of *England*, yet *England* was a Conquest of *Normandy*; and so a communication of Priviledges between them.

Again, set aside *France*, for that it will be said, that although the King had a title in blood, and by descent, yet that title was executed and recovered by Arms: so as it is a mixt title of Conquest and Descent; and therefore the President not so clear.

There remains then *Gascoyne*, and *Anjou*, and that President likewise I will reduce and abridge to a time, to avoid all question. For it will be said

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of them alſo, that after they were loſt and recovered in *ore gladii*, that the antient title of blood was extinct, and that the King was in upon his new title by Conqueſt; and Mr. *Walter* had found a book caſe in the 13th. of *Hen. 6.* abridged by Mr. *Fitz-Herbert*, in title of *Protection, placito 56.* where a Protection was caſt, *quia profecturus in Gaſconiam* with the Earl of *Huntingdon*, and challenged, becauſe it was not a voyage Royal; and the Juſtices thereupon required the ſight of the Commiſſion, which was brought before them, and purported power to pardon Felonies, and Treaſon, power to coyn money, and power to conquer them that reſiſt, whereby Mr. *Walter* finding the word *Conqueſt*, collected that the Kings title at that time was reputed to be by Conqueſt; wherein I may not omit to give *Obiter* that Anſwer which Law and Truth provideth, namely, that when any King obtaineth by warr a Countrey, whereunto he hath right by Birth, that he is ever in upon his Antient Right, not upon his purchaſe by Conqueſt; and the Reaſon is, that there is as well a Judgement and recovery by Warre and Arms, as by Law and Courſe of Juſtice; for Warr is a tribunali ſeat, wherein God giveth the Judgement, and the tryal is by battel, or Duel, as in the caſe of tryal of private right; and then it follows, that whoſoever commeth in by eviction, comes in his remitter: ſo as there will be no difference in Countries, whereof the right commeth by deſcent, whether the poſſeſſion be obtained peaceably, or by War; but yet nevertheleſs, becauſe I will utterly take away all manner of evaſion, and ſubterfuge, I will yet ſet apart that part of time, in and during the which the Subjects of *Gaſcoyne* and *Guienne* might be thought to be ſubdued by a re-conqueſt. And therefore I will not meddle with the *Prior of Shellies* caſe, though it be an excellent caſe; becauſe it was in the time, 27 *E. 3.* neither will I meddle with any Caſes, Records, or Preſidents in the time of King *H.* 5. or King *H. 6.* for the ſame reaſon; but will hold my ſelf to a portion of time, from the firſt uniting of theſe Provinces in the time of King *H.* the 2. untill the time of King *John*, at what time thoſe Provinces were loſt; and from that time again unto the 17. year of the reign of King *Edward* the 2. at what time the Statute of *Prærogativa Regis* was made, which altered the Law in the point in hand.

That both in theſe times the Subjects of *Gaſcoyn*, and *Guyenne*, and *Anjou*, were naturalized for inheritance in *England* by the Laws of *England*, I ſhall manifeſtly prove, and the proof proceeds as to the former time (which is our caſe) in a very high degree, *à minore ad majus*, and as we ſay, *à multo fortiore.* For if this Priviledge of naturalization remained unto them when the Countries were loſt, and became ſubjects in poſſeſſion to another King: much more did they enjoy it, as long as they continued under the Kings ſubjection.

Therefore to open the State of this point. After theſe Provinces were through the perturbations of the State in the infortunate time of King *John*, loſt and ſevered, the principal perſons which did adhere unto the *French* were attainted of Treaſon, and their eſcheats here in *England* taken and ſeiſed; but the people that could not reſiſt the tempeſt, when their Heads and Leaders were revolted, continued inheritable to their poſſeſſions in *England*, and reciprocally the people of *England* inherited and ſucceeded to their poſſeſſions in *Gaſcoyne*, and were both accounted *ad fidem utriuſque Regis*, untill the Statute of *Prerogativa Regis*, wherein the wiſdom and juſtice of the Law of *England* is highly to be commended. For

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of this Law, there are two grounds of reason; The one of Equity; The other of Policy. That of Equity, was because the Common People were in no fault; but as the Scripture saith in a like case, *quid fecerunt oves istæ?* It was the cowardise and disloyalty of their Governours that deserved punishment, but what had these sheep done? and therefore to have punish'd them, and deprived them of their lands and fortunes, had been unjust. That of Policy was, because if the Law had forthwith upon the losse of the Countries by an accident of time pronounced the people for *Aliens*, it had been a kind of a Cession of their right, and a Disclaimer in them, and so a greater difficulty to recover them. And therefore we see the Statute which altered the Law in this point, was made in the time of a weak King, that, as it seemed, despaired ever to recover his right; and therefore thought better to have a little present profit by escheats, then the continuance of his claim, and the countenance of his right by the admitting of them to enjoy their inheritance, as they did before.

The State therefore of this point being thus opened, it resteth to prove our assertion that they were naturalized; for the clearing whereof, I shall need but to read the authorities, they be so direct and pregnant. The first is the very text of the Statute of *Prærogativa Regis*. *Rex habebit escaetas de terris* Normannorum *cujuscunque feodi fuerint, salvo servitio, quod pertinet ad capitales dominos feodi illius, & hoc similiter intelligendum est, si aliqua hæreditas descendat alicui nato in partibus transmarinis, & cujus antecessores fuerunt ad fidem Regis* Franciæ, *ut tempore Regis* Johannis, *& non ad fidem Regis* Angliæ, *sicut contigit de Baronia* Monumetæ, *&c.*

By which Statute it appears plainly, that before the time of King *John* there was no colour of any Escheat, because they were the Kings Subjects in possession, as *Scotland* now is, but only it determines the Law, from that time forward.

This Statute if it had in it any obscurity, it is taken away by two lights, the one placed before it, and th'other placed after it, both Authors of great credit, the one for ancient, th'other for late times. The former is *Bracton* in his *Cap. de exceptionibus, lib. 5. fol.* 427. and his words are these, *Est etiam & alia exceptio quæ tenenti competit ex persona petentis propter defectum Nationis, quæ dilatoria est, & non perimit actionem, ut si quis alienigena qui fuerit ad fidem Regis* Franciæ, *& actionem instituat versus aliquem qui fuerit ad fidem Regis* Angliæ, *tali non respondeatur saltem donec terræ fuerint communes.*

By these words it appeareth, that after the losse of the Provinces beyond the Seas, the Naturalization of the Subjects of those Provinces was in no sort extinguished, but only was in suspence during the time of warr and no longer; for he saith plainly, that the exception which we call plea to the person of *Alien*, was not peremptory, but only dilatory, that is to say, during the time of Warr, and untill there were peace concluded, which he terms by these words, *donec terræ fuerint communes*, which, though the phrase seem somewhat obscure, is expounded by *Bracton* himself in his fourth book, *fol.* 297. to be of peace made and concluded, whereby the Inhabitants of *England* and those Provinces might enjoy the profits and fruits of their lands in either place *communiter*, that is respectively, or as well the one as the other: so as it is cleer, they were no *Aliens* in right, but only interrupted and debarred of Suits in the Kings Courts in time of Warre.

The authority after the Statute, is that of Master *Stamfords*, the best Expositor of a Statute that hath been in our Law, a man of reverend judgement, and excellent order in his writings; his words are in his exposition upon

upon the branch of the Statute which we read before. *By this branch it ſhould appear, that at this time men of* Normandy, Gaſcoyn, Guienne, Anjou, *and* Britaine *were inheritable within this Realm, as well as* Engliſh *men, becauſe that they were ſometimes Subjects to the Kings of* England, *and under their Dominion, untill King* Johns *time, as is aforeſaid, and yet after his time, thoſe men (ſaving ſuch whoſe lands were taken away for Treaſon) were ſtill inheritable within this Realm, till the making of this Statute, and in the time of peace between the two Kings of* England *and* France, *they were anſwerable within this Realm, if they had brought any action for their Lands and Tenements.*

So as by theſe three Authorities, every one ſo plainly purſuing the other, we conclude, that the ſubjects of *Gaſcoyne, Guienne, Anjou*, and thereſt from their firſt union by deſcent, untill the making of the Statute of *Prærogativa Regis*, were inheritable in *England*, and to be anſwered in the Kings Courts in all actions, except it were in time of Warr. Nay more, (which is *de abundante*) that when the Provinces were loſt, and diſannexed, and that the King was but King *de jure* over them, and not *de facto*: Yet nevertheleſſe, the priviledge of naturalization continued.

There reſteth yet one objection, rather plauſible to a popular underſtanding, then any wayes forcible in Law, or Learning, which is a difference taken between the Kingdom of *Scotland*, and theſe Dutchies, for that the one is a Kingdom, and the other was not ſo; and therefore that thoſe Provinces being of an inferiour nature, did acknowledge our Laws, and Seals, and Parliament, which the Kingdom of *Scotland* doth not.

This difference was well given over by Mr. *Walter*, for it is plain, that a Kingdom and abſolute Dukedom, or any other Soveraign eſtate do differ *honore*, and not *poteſtate*; For divers Dutchies, and Countries that are now, were ſometimes Kingdoms; and divers Kingdoms that are now, were ſometimes Dutchies, or of other inferiour Style, wherein we need not travell abroad, ſince we have in our own State ſo notorious an inſtance of the Country of *Ireland*, whereof King *H.* 8. of late time was the firſt that writ himſelf King, the former Style being Lord of *Ireland* and no more, and yet Kings had the ſame authority before, that they have had ſince, and the ſame Nation the ſame marks of a Soveraign State, as their *Parliaments*, their *Arms*, their *Coynes*, as they now have; ſo as this is too ſuperficial an allegation to labour upon.

And if any do conceive, that *Gaſcoyne* and *Guyenne* were governed by the Laws of *England*: Firſt, that cannot be in reaſon; for it is a true ground; That whereſoever any Princes Title unto any Countrey is by Law, he can never change the Laws, for that they create his Title: and therefore no doubt thoſe Dutchies retained their own Laws, which if they did, then they could not be ſubject to the Laws of *England*.

And next again, the fact or practice was otherwiſe, as appeareth by all conſent of *Story* and *Record*, For thoſe Dutchies continued governed by the Civil Law, their tryalls by witneſſes, and not by Jury, their Lands Teſtamentary, and the like.

Now for the colours, that ſome have endeavoured to give, that they ſhould have been ſubordinate to the government of *England*, they were partly weak, and partly ſuch as make ſtrongly againſt them, for as to that, that writs of *Habeas corpus* under the great Seal of *England* have gone to *Gaſcoyne*, it is no manner of proof, for that the Kings writs which are mandatory and not writs of ordinary Juſtice may go to his Subjects into any forrain parts whatſoever, and under what Seal it pleaſeth him to uſe; and as to that, that

that some Acts of *Parliament* have been cited, wherein the *Parliaments* of *England* have taken upon them to order matters of *Gascoyne*, if those Statutes be well looked into, nothing doth more plainly convince the contrary, for they intermeddle with nothing but that that concerneth either the *English* Subjects personally, or the territories of *England* locally, and never the Subjects of *Gascoyne* : for look upon the Statute of 27 *Ed.* 3. *ca.* 5. there it is said *That there should be no forestalling of Wines*, but by whom ? only by *English* Merchants, not a word of the Subjects of *Gascoyne* : and yet no doubt they might be offenders in the same kind.

So in the sixth Chapter it is said, *That all Merchants*, Gascoyns, *may safely bring Wines into what part it should please them*; Here now are the persons of *Gascoyns*, but then the place whether ? *into the Realm of* England. And in the seventh Chap. that erects the Ports of *Burdeaux*, and *Bayonne*, for the Staple Towns of Wine, the Statute ordains, *That if any* (but who ?) English *Merchant or his Servants shall buy or bargain other where, his body shall be arrested by the Steward of* Gascoyn, *or the Constable of* Burdeaux : true, for the Officers of *England* could not catch him in *Gascoyn*; but what shall become of him, shall he be proceeded with within *Gascoyne ?* No, but he shall be sent over into *England* into the Tower of *London*.

And this doth notably disclose the reason of that custom, which some have sought to wrest the other way; that custom, I say, whereof a form doth yet remain, that in every Parliament the King doth appoint certain Committees in the Upper House to receive the Petitions of *Normandy*, *Guienne*, and the rest, which as by the former Statute doth appear could not be for the ordering of the Governments there, but for the liberties, and good usage of the Subjects of those parts when they came hither; or, *vice versâ*, for the restraining of the abuses and misdemeanors of our Subjects when they went thither.

Wherefore I am now at an end. For us to speak of the mischiefs, I hold it not fit for this place, lest we should seem to bend the Laws to policy, and not to take them in their true and natural sense. It is enough that every man knows, that it is true of these two Kingdoms, which a good Father said of the Churches of Christ, *Si inseperabiles insuperabiles*. Some things I may have forgot, and some things perhaps I may forget willingly; for I will not press any opinion or declaration of late time which may prejudice the liberty of this debate; but *ex dictis, & ex non dictis*, upon the whole matter I prove Judgement for the Plaintiff.

A Draught of an Act against an Usurious shift of Gain in delivering of Commodities instead of Money, made by the Lord Chancellor *Bacon*, and found since his death amongst his Lordships papers, by Dr. *Rawley*, his Lordships Chaplain; and recommended by him to me to be published.

Whereas it is an usual practice, to the undoing and overthrowing many young Gentlemen, and others, That when Men are in necessity, and desire to borrow money, they are answered, that Money cannot be had, but that they may have Commodities sold unto them upon credit, whereof they may make money as they can: In which course it ever cometh to pass, not only that such Commodities are bought at extreme high rates, and sold again far under foot to a double loss; but also that the party which is to borrow, is wrapped in Bonds and Counter-bonds, so that upon a little money which he receiveth, he is subject to Penalties and Suits of great value.

Be it therefore Enacted by the Authority of this present Parliament, That if any man after forty dayes from the end of this present Session of Parliament to be accounted, shall sell in gross sale any quantity of Wares or Commodities unto such an one as is no Retailer, Chapman or known Broker of the same Commodities, and knowing that it is bought to be sold again, to help and furnish any Person that trades not in the same Commodity with money, he shall be without all remedy by Law, Custom or Decree, or otherwise to recover or Demand any satisfaction for the said Wares or Commodities, what assurance soever he shall have by Bond, Surety, Pawn or Promise of the party, or any other in his behalf: And that all Bonds and Assurances whatsoever made for that purpose directly or indirectly, shall be utterly void.

And be it further Enacted by the Authority aforesaid, That every person, which shall after the time aforesaid be used or imployed as a Broker, mean or procurer for the taking up of such Commodities, shall forfeit for every such offence the sum of 100 l. the same to be, &c. And shall be further punished by six Moneths imprisonment, without Bail or Mainprise, and by the Pillory.

FINIS.

CERTAIN

Miſcellany Works

OF

The Right Honourable,

FRANCIS

LORD VERULAM,

Viſcount St. Alban.

PUBLISHED

By *VVILLIAM RAVVLEY*,

Doctor of Divinity, one of His Majeſties Chaplains.

LONDON,

Printed by *T. J.* for *H. R.* and are to be ſold by *Wil. Lee*, at the *Turks-Head* in *Fleet-ſtreet*.

M. DC. LXX.

TO THE READER.

I *Have thought good, as a Servant, to the Labours and Memory, of that Noble Lord, the Lord* Viſcount St. Alban, *to Collect into one, theſe few, rather Parcells, than Juſt Works, of his excellent Pen. Which I have done for theſe Cauſes. Firſt, to vindicate the Wrong his Lordſhip ſuffered, by a corrupt and ſurreptitious Edition, of that* Diſcourſe *of his,* Touching a War with Spain, *lately ſet forth. Secondly, by way of Prevention, to exempt from the like Injury and Defacements, thoſe other* Diſcourſes *of his, herein contained. Laſtly, to ſatisfie the Deſires of ſome, who hold it unreaſonable, that any the Delineations of that Pen, though in never ſo ſmall a Model, ſhould not be ſhewn to the World. I know, it carries the Excuſe with it, after the* Authors *Death, to publiſh* Fragments. *Therefore I will make none. Theſe* Works, *being all, for the Argument,* Civil, *I cannot repreſent better, than in*

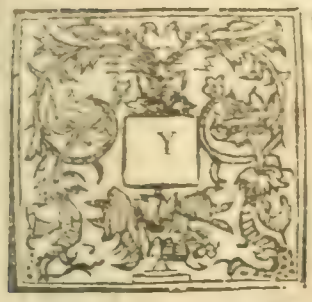
Resemblance of Aristotles Parva Naturalia, *to account them as his Lordships* Parva Politica. *Howsoever, I doubt not, but every judicious* Reader, *finding of his Lordships Spirit in them, will know them to be his; And will afford them, a Place of Reputation, amongst his Greater* Works.

W. RAWLEY.

CON-

CONSIDERATIONS
Touching a War with
SPAIN.

To the Prince.



OUr Highneſs hath an *Imperial Name.* It was a *CHARLES* that brought the Empire firſt into *France*; A *CHARLES* that brought it firſt into *Spain*: Why ſhould not *Great Britain* have his turn? But to lay aſide all that may ſeem to have a ſhew of Fumes and Fancies, and to ſpeak Solids: A *War* with *Spain*, (if the King ſhall enter into it,) is a mighty Work; It requireth ſtrong Materials, and Active Motions. He that ſaith not ſo, is zealous, but not according to knowledge. But nevertheleſs, *Spain* is no ſuch Giant: And he that thinketh *Spain* to be ſome great Over-match for this Eſtate, aſſiſted as it is, and may be, is no good Mint-man; But takes greatneſs of Kingdoms according to their Bulk and Currency, and not after their intrinſique Value. Although therefore I had wholly ſequeſtred my thoughts from Civil Affairs, yet becauſe it is a new Caſe, and concerneth my Countrey infinitely, I obtained of my ſelf, to ſet down, out of long continued Experience in Buſineſs of Eſtate, and much Converſation in Books of *Policy* and *Hiſtory*, what I thought pertinent to this Buſineſs; And in all humbleneſs preſent it to Your Highneſs; Hoping, that, at leaſt, you will diſcern the ſtrength of my Affection, through the weakneſs of my Abilities: For the Spaniard hath a good Proverb; *Deſuario ſiempre con la Calentura*; *There is no Heat of Affection, but is joyned with ſome Idleneſs of Brain.*

To a War are required; *A Juſt Quarrel*; *Sufficient Forces and Proviſions*; And *a prudent Choice of the Deſigns.* So then, I will firſt *juſtifie* the *Quarrel*; Secondly, *ballance* the *Forces*; and laſtly, propound variety of *Deſigns* for Choice, but not *adviſe* the Choice; For that were not fit for a Writing of this Nature; Neither is it a Subject within the Level of my Judgement, I being, in effect, a Stranger to the preſent Occurrences.

Wars (I ſpeak not of ambitious Predatory *Wars*,) are *Suits* of *Appeal* to the *Tribunal* of *Gods Juſtice*, where there are no *Superiors*

on earth to determine the Cause. And they are (as Civil Pleas are) *Plaints*, or *Defences*. There are therefore three just Grounds of *War* with *Spain*: One *Plaint*, Two upon *Defence*. *Solomon* saith, *A Cord of three is not easily broken*: But especially when every of the lines will hold single by it self. They are these. *The Recovery of the* Palatinate; *A just Fear of the Subversion of our Civil Estate*: *A just Fear of the Subversion of our Church and Religion.* For in the handling of the two last Grounds of *War*, I shall make it plain; That *Wars* Preventive upon *Just Fears*, are true *Defensives*, as well as upon Actual *Invasions*: And again, That *Wars Defensive* for *Religion*, (I speak not of *Rebellion*,) are most just; Though *Offensive Wars*, for *Religion*, are seldom to be approved, or never, unless they have some Mixture of *Civil Titles*. But all that I shall say in this whole Argument, will be but like Bottoms of Thred, close wound up, which with a good Needle (perhaps) may be flourished into large Works.

For the Asserting of the *Justice of the Quarrel*, for the *Recovery of the* Palatinate, I shall not go so high, as to discuss the Right of the *War* of *Bohemia*; Which if it be freed from doubt on our part, then there is no Colour nor Shadow, why the *Palatinate* should be retained; The Ravishing whereof was a meer Excursion of the first Wrong, and a Super-Injustice. But I do not take my self to be so perfect in the Customs, Transactions, and Priviledges of that Kingdom of *Bohemia*, as to be fit to handle that part. And I will not offer at that I cannot master. Yet this I will say (in passage) positively, and resolutely: That it is impossible, an *Elective Monarchy*, should be so free and absolute, as an *Hereditary*: No more than it is possible for a Father, to have so full Power and Interest, in an Adoptive Son, as in a Natural; *Quia Naturalis Obligatio fortior Civili.* And again, that Received *Maxim* is almost Unshaken and Infallible; *Nil magis Naturæ consentaneum est, quam ut iisdem modis Res dissolvantur, quibus constituuntur.* So that, if the part of the *People* or *Estate* be somewhat in the Election, you cannot make them Nulls or Cyphers in the Privation or Translation. And if it be said, that this is a dangerous Opinion, for the *Pope*, *Emperour*, and *Elective Kings*: It is true, it is a dangerous Opinion, and ought to be a dangerous Opinion to such personal *Popes*, *Emperors*, or *Elective Kings*, as shall transcend their limits, and become Tyrannical. But it is a safe and sound Opinions for their Sees, Empires, and Kingdoms; And for themselves also, if they be wise: *Plenitudo Potestatis, est plenitudo Tempestatis.* But the chief Cause, why I do not search into this point, is, because I need it not. And in handling the Right of a *War*, I am not willing to intermix matter doubtful, with that which is out of doubt. For as in Capital Causes, wherein but one Mans life is in question, *in favorem vitæ*, the Evidence ought to be clear; So much more, in a Judgement upon a *War*, which is Capital to Thousands. I suppose therefore the worst; That the *Offensive War* upon *Bohemia* had been unjust; And then make the Case; Which is no sooner made, than resolved;

ved; If it be made, not enwrapped, but plainly and perspicuously. It is this in *Thesi*. An *Offensive War* is made, which is unjust in the Aggressour; The Prosecution and Race of the *War*, carrieth the *Defendant*, to assail and invade the Ancient and Indubitate Patrimony of the first *Aggressour*, who is now turned *Defendant*; Shall he sit down, and not put himself in *Defence*; Or if he be dispossessed, shall he not make a *War* for the Recovery? No man is so poor of Judgement, as will affirm it. The Castle of *Cadmus* was taken, and the City of *Thebes* it self invested by *Pelopidas* the *Lacedemonian*, insidiously, and in violation of League: The Proceeds of this Action drew on a Resurprise of the Castle by the *Thebans*, Recovery of the *Town*, and a Current of the *War*, even unto the walls of *Sparta*. I demand, was the Defence of the City of *Sparta*, and the Expulsion of the *Thebans*, out of the ancient *Lacedemon Territories*, unjust? The sharing of that part of the *Duchy* of *Millain*, which lieth upon the River of *Adda*, by the *Venetians*, upon Contract with the *French*, was an Ambitious and unjust Purchase. This Wheel set on going, did pour a *War* upon the *Venetians* with such a Tempest, as *Padoua* and *Trevigi* was taken from them, and all their *Dominions* upon the *Continent* of *Italy* abandoned, and they confined within the Salt Waters. Will any man say, that the Memorable Recovery and Defence of *Padoua*, (when the Gentlemen of *Venice*, unused to the *Wars*, out of the love of their Countrey, became Brave and Martial the first day;) And so likewise the *Readeption* of *Trevigi*, and the rest of their Dominions, was matter of Scruple, whether just or no, because it had source from a Quarrel ill begun? The *War* of the *Duke* of *Urbin*, Nephew to *Pope Julius* the second, when he made himself Head of the *Spanish* Mutineers, was as unjust, as unjust might be; A Support of desperate Rebels, An Invasion of St. *Peters* Patrimony, and what you will. The Race of this *War* fell upon the loss of *Urbin* it self, which was the *Dukes* undoubted Right; Yet in this case, no Penitentiary, (though he had enjoyned him never so strait Penance to expiate his first Offence,) would have counselled him to have given over the pursuit of his Right for *Urbin*; Which after he prosperously re-obtained, and hath transmitted to his Family yet until this day. Nothing more unjust than the Invasion of the *Spanish Armada* in 88. upon our Seas; For our Land was holy Land to them, they might not touch it: Shall I say therefore, that the Defence of *Lisbon*, or *Cales*, afterward, was unjust? There be thousands of Examples; *Vtor in Re non dubia exemplis non necessariis*: The Reason is plain; *Wars* are *Vindictæ*; Revenges, Reparations. But Revenges are not infinite, but according to the measure of the first Wrong, or Damage. And therefore, when a voluntary *Offensive War*, by the Design or Fortune of the *War*, is turned to a necessary *Defensive War*, the Scene of the Tragedy is changed, and it is a new Act to begin. For though they the particular actions of *War*, are complicate in Fact, yet they are separate and distinct in Right; Like to cross-suits in *Common Pleas*, which are sometimes both just. But this is so clear, as needeth no further to be insisted upon. And

yet,

yet, if in things ſo clear, it were fit to ſpeak of more or leſs clear, in our preſent Cauſe, it is the more clear on our part, becauſe the Poſſeſſion of *Bohemia* is ſetled with the *Emperor*. For though it be true, that, *Non datur Compenſatio Injuriarum*; yet were there ſomewhat more Colour to detain the *Palatinate*, as in the nature of a Recovery, in Value or Compenſation, if *Bohemia* had been loſt, or were ſtill the Stage of *War*. Of this therefore I ſpeak no more. As for the Title of *Proſcription* or *Forfeiture*, wherein the *Emperor* (upon the matter) hath been Judge and Party, and hath juſticed himſelf, *God* forbid but that it ſhould well endure an Appeal to a *War*. For certainly the *Court* of *Heaven*, is as well a *Chancery*, to ſave and debar Forfeitures, as a *Court* of *Common Law* to decide Rights; And there would be work enough in *Germany*, *Italy*, and other Parts, if Imperial Forfeitures ſhould go for good Titles.

Thus much for the firſt Ground of *War* with *Spain*, being in the Nature of a *Plaint*, for the *Recovery of the Palatinate*; Omitting here that which might be the Seed of a larger Diſcourſe, and is verified by a number of Examples; That whatſoever is gained by an Abuſive Treaty, ought to be reſtored *in Integrum*. As we ſee the daily Experience of this in *Civil Pleas*; For the Images of great things are beſt ſeen contracted into ſmall Glaſſes; We ſee (I ſay) that all *Pretorian Courts*, if any of the *Parties* be entertained or laid aſleep, under pretence of Arbiterment or Accord, and that the other *Party* during that time, doth cautelouſly get the ſtart and advantage at *Common Law*, though it be to Judgement and Execution; Yet the *Pretorian Court* will ſet back all things *in ſtatu quo prius*, no reſpect had to ſuch Eviction or Diſpoſition. Laſtly, let there be no miſtaking; As if when I ſpeak of a *War* for the Recovery of the *Palatinate*, I meant, that it muſt be in *linea recta*, upon that Place: For look into *Jus faciale*, and all Examples, and it will be found to be without ſcruple; That after a Legation *ad Res repetendas*, and a Refuſal, and a Denunciation or Indiction of a *War*, the *War* is no more confined to the Place of the Quarrel, but is left at large, and to choice, (as to the particular conducing Deſigns,) as Opportunities and Advantages ſhall invite.

To proceed therefore to the ſecond Ground of a *War* with *Spain*; We have ſet it down to be, *A juſt Fear of the Subverſion of our Civil Eſtate*. So then, the *War* is not for the *Palatinate* onely, but for *England*, *Scotland*, *Ireland*, our *King*, our *Prince*, our *Nation*, all that we have. Wherein two things are to be proved. The one, that a *Juſt Fear*, (without an Actual Invaſion or Offence) is a ſufficient Ground of a *War*, and in the Nature of a true *Defenſive*; The other, that we have towards *Spain* Cauſe of *Juſt Fear*; I ſay *Juſt Fear*; For as the *Civillians* do well define, that the Legal *Fear* is, *Juſtus Metus qui cadit in conſtantem Virum*, in private Cauſes; So there is, *Juſtus Metus qui cadit in conſtantem Senatum, in cauſa publica*; Not out of Umbrages, light Jealouſies, Apprehenſions a far off; But out of clear Foreſight of imminent Danger.

Concerning the former *Propoſition*, it is good to hear what time ſaith.

ſaith. *Thucydides*, in his *Inducement* to his Story of the great *War* of *Peloponneſus*, ſets down in plain Terms, that the true Cauſe of that *War* was; *The Overgrowing Greatneſs of the* Athenians, *and the fear that the* Lacedemonians *ſtood in thereby*; And doth not doubt to call it, *A Neceſſity impoſed upon the* Lacedemonians *of a War*. Which are the Words of a meer *Defenſive*: Adding, that the other Cauſes were but ſpecious and Popular. *Veriſſimam quidem, ſed minime ſermone celebratam, arbitror exitiſſe Belli Cauſam, Athenienſes magnos effectos, & Lacedemoniis formidoloſos, nec ſitatem illis impoſuiſſe Bellandi: Quæ autem propalam ferebantur utrinque Cauſæ, iſtæ fuerunt, &c.* The trueſt Cauſe of this War, though leaſt voiced, I conceive to have been this; That the *Athenians* being grown great, to the terrour of the *Lacedemonians*, did impoſe upon them a Neceſſity of a War: But the Cauſes that went abroad in ſpeech were theſe, *&c.* *Sulpitius Galba*, Conſul, when he perſwaded the *Romans* to a Preventive *War*, with the latter *Philip* King of *Macedon*, in regard of the great Preparations which *Philip* had then on foot, and his Deſigns to ruine ſome of the Confederates of the *Romans*, confidently ſaith; That they who took that for an *Offenſive War*, underſtood not the ſtate of the Queſtion. *Ignorare videmini mihi, (Quirites) non utrum bellum an pacem habeatis, vos conſuli, (neque enim liberum id vobis permittet Philippus, qui terra marique ingens bellum molitur,) ſed utrum in Macedoniam legiones tranſportetis, an hoſtem in Italiam recipiatis.* Ye ſeem to me (ye *Romans*,) not to underſtand, that the Conſultation before you, is not, whether you ſhall have War or Peace, (for *Philip* will take order you ſhall be no Chooſers, who prepareth a mighty War both by Land and Sea;) but whether you ſhall tranſport the War into *Macedon*, or receive it into *Italy*. *Antiochus*, when he incited *Pruſias* King of *Bythinia*, (at that time in League with the *Romans*) to joyn with him in *War* againſt them, ſetteth before him, a Juſt Fear of the over-ſpreading Greatneſs of the *Romans*, comparing it to a Fire that continually took, and ſpread from Kingdom to Kingdom: *Venire Romanos ad omnia Regna tollenda, ut nullam uſquam orbis terrarum niſi Romanum imperium eſſet; Philippum & Nabin expugnatos, ſe tertium peti; Ut quiſque proximus ab oppreſſo ſit, per omnes velut continens incendium pervaſurum.* That the Romans came to pull down all Kingdoms, and to make the State of *Rome* an univerſal Monarchy; That *Philip* and *Nabis* were already ruinated, and now was his turn to be aſſailed: So that as every State lay next to the other that was oppreſſed, ſo the Fire perpetually grazed. Wherein it is well to be noted, that towards ambitious States (which are noted to aſpire to great *Monarchies*, and to ſeek upon all occaſions to enlarge their Dominions,) *Creſcunt Argumenta juſti Metus*: All particular fears do grow and multiply out of the Contemplation of the general Courſes and Practice of ſuch States. Therefore in Deliberations of *War* againſt the *Turk*, it hath been often, with great judgement, maintained; That *Chriſtian Princes* and *States* have always a ſufficient Ground of *Invaſive War* againſt the Enemy: Not

for *Cause* of *Religion*, but upon a Just *Fear*; For as much as it is a Fundamental Law in the *Turkish Empire*, that they may (without any other provocation,) make War upon *Christendom*, for the *Propagation* of their *Law*; So that there lieth upon the *Christians* a perpetual *Fear* of a *War*, (hanging over their heads,) from them: And therefore they may at all times, (as they think good) be upon the Prevention. *Demosthenes* exposeth to scorn *Wars* which are not Preventive, comparing those that make them, to Countrey Fellows in a Fencing-School, that never ward till the Blow be past: *Ut Barbari Pugiles dimicare solent, ita vos bellum geritis cum Philippo, Ex his enim is qui ictus est, ictui semper inhæret: Quod si eum alibi verberes, illo manus transfert; Ictum autem depellere, aut prospicere, neque scit, neque vult.* As Country Fellows use to do when they play at Wasters, such a kinde of War do you (*Athenians*) make with *Philip*; For with them he that gets a blow, streight falleth to ward when the blow is past, And if you strike him in another place, thither goes his hand likewise: But to put by, or foresee a blow, they neither have the skill, nor the will.

Clinias the *Candian*, (in *Plato*) speaks desperately and wildly; As if there were no such thing as *Peace* between *Nations*; But that every *Nation* expects but his Advantage to War upon another. But yet in that Excess of Speech, there is thus much that may have a Civil Construction; Namely, that every State ought to stand upon his Guard, and rather prevent, than be prevented. His words are; *Quam rem fere vocant Pacem, nudum & inane Nomen est; Revera autem omnibus, adversus omnes Civitates bellum sempiternum perdurat*: That which Men, for the most part, call *Peace*, is but a naked and empty Name; But the truth is, that there is ever between all Estates a secret War. I know well this Speech is the *Objection*, and not the *Decision*, and that it is after refuted; But yet (as I said before) it bears thus much of Truth, That if that general Malignity, and Pre-disposition to *War*, (which he untruly figureth to be in all Nations,) be produced and extended to a just Fear of being oppressed, then it is no more a true *Peace*, but a Name of a *Peace*.

As for the Opinion of *Iphicrates* the *Athenian*, it demands not so much towards a *War*, as a just Fear; but rather cometh near the opinion of *Clinias*; As if there were ever amongst Nations a Brooding of a *War*, and that there is no sure League but Impuissance to do hurt. For he in the Treaty of peace with the *Lacedemonians*, speaketh plain language, Telling them, there could be no true and secure Peace, except the *Lacedemonians* yielded to those things, which being granted, it would be no longer in their power to hurt the *Athenians*, though they would. And to say truth, if one mark it well, this was in all Memory, the Main Piece of Wisdom, in strong and prudent Counsels; To be in perpetual watch, that the *States* about them, should neither by Approach, nor by Encreate of Dominion, nor by Ruining Confederates, nor by Blocking of Trade, nor by any the like means, have it in their power to

to hurt or annoy the *States* they serve; And whensoever any such Cause did but appear, straightways to buy it out with a War, and never take up Peace at Credit, and upon Interest. It is so memorable, and it is yet as fresh, as if it were done yesterday, how that *Triumvirate* of *Kings*, (*Henry* the Eighth of *England*, *Francis* the First of *France*, and *Charles* the Fifth, Emperour, and King of *Spain*,) were in their times so provident, as scarce a Palme of Ground could bee gotten by either of the Three, but that the other Two would be sure to do their best to set the Ballance of *Europe* upright again.

And the like diligence was used in the Age before, by that League, (wherewith *Guicciardine* beginneth his Story, and maketh it (as it were) the Kalendar of the good dayes of *Italy*,) which was contracted between *Ferdinando* King of *Naples*, *Lorenzo* of *Medici*, Potentate of *Florence*, and *Ludovico Sforza* Duke of *Milan*, designed chiefly against the growing Power of the *Venetians*; But yet so, as the Confederates had a perpetual eye one upon another, that none of them should overtop. To conclude therefore, howsoever some School-men, (otherwise Reverend Men, yet fitter to guide Pen knives than Swords,) seem precisely to stand upon it; That every *Offensive War* must be *Ultio*; A *Revenge*, that presupposeth a precedent Assault or Injury; yet neither do they descend to this Point, (which we now handle) of a *Just Fear*; Neither are they of Authority to judge this Question against all the Presidents of time. For certainly, as long as Men are Men, (the Sons, as the Poets allude, of *Prometheus*, and not of *Epimetheus*,) and as long as Reason is Reason, A *Just Fear* will be a Just Cause of a Preventive *War*; But especially, if it be Part of the Case, that there be a *Nation* that is manifestly detected, to aspire to *Monarchy*, and new Acquests; Then other *States* (assuredly) cannot be justly accused for not staying for the first Blow; Or for not accepting *Polipheмus* Courtesie, to be the last that shall be eaten up.

Nay, I observe further, that in that passage of *Plato*, which I cited before, (and even in the *Tenet* of that Person, that beareth the Resolving Part, and not the Objecting Part,) a *Just Fear* is justified for a Cause of an *Invasive War*, though the same *Fear* proceed not from the fault of the Foreign State, to be assailed. For it is there insinuated, That if a State, out of the distemper of their own Body, do fear Sedition and Intestine Troubles to break out amongst themselves, they may discharge their own ill Humours, upon a Foreign *War*, for a Cure. And this kinde of Cure was tendred by *Jasper Coligni* Admiral of *France*, to *Charles* the Nineth, the *French King*, when by a vive and forcible Perswasion, he moved him to a War upon *Flanders*, for the better Extinguishment of the *Civil Wars* of *France*; But neither was that Counsel prosperous; Neither will I maintain that Position; For I will never set *Politiques* against *Ethicks*; Especially for that true *Ethicks* are but as a Hand-maid to *Divinity* and *Religion*. Surely, Saint *Thomas*, (who had the largest heart of the

School Divines, (bendeth chiefly his ſtile againſt the depraved Paſſions, which reign in making *Wars*, ſpeaking out of St. *Auguſtine*; *Nocendi Cupiditas, ulciſcendi Crudelitas, implacatus & implacabilis Animus, Feritas Rebellandi, Libido Dominandi, & ſi quæ ſunt ſimilia, hæc ſunt quæ in bellis jure culpantur.* And the ſame St. *Thomas* in his own Text, defining of the juſt Cauſes of a *War*, doth leave it upon very general Terms; *Requiritur ad Bellum Cauſa juſta, ut ſcilicet illi qui impugnantur, propter aliquam culpam, Impugnationem mereantur*; For *Impugnatio Culpæ*, is a far more general word than *Ultio Injuriæ*. And thus much for the firſt *Propoſition*, of the *Second Ground* of a *War* with *Spain*: Namely, that *A juſt Fear is a juſt Cauſe of a War*; And that *A Preventive War is a true Defenſive.*

The Second, or *Minor Propoſition* was this, That this *Kingdom* hath Cauſe of *Juſt Fear* of Overthrow from *Spain*. Wherein it is true, that *Fears* are ever ſeen in dimmer lights, than *Facts*. And on the other ſide, *Fears* uſe (many times) to be repreſented in ſuch an Imaginary faſhion, as they rather dazle Mens eyes, than open them. And therefore I will ſpeak in that manner which the Subject requires; That is, probably, and moderately, and briefly. Neither will I deduce theſe *Fears* to preſent Occurrences; but point onely at general Grounds, leaving the reſt to more ſecret Counſels.

Is it nothing, that the *Crown* of *Spain* hath enlarged the Bounds thereof, within this laſt ſixſcore years, much more than the *Ottomans*? I ſpeak not of Matches, or Unions, but of Arms, Occupations, Invaſions. *Granada, Naples, Milan, Portugal*, the *Eaſt* and *Weſt Indies*; All theſe are actual Additions to that *Crown*. They had a minde to *French Britain*, the lower Part of *Picardi*, and *Piemont*; but they have let fall their Bit. They have to this day, ſuch a hovering poſſeſſion of the *Valtoline*, as an Hobby hath over a Lark; And the *Palatinate* is in their Tallons: So that nothing is more manifeſt, than that this *Nation* of *Spain* runs a race (ſtill) of *Empire*, when all other *States* of *Chriſtendom* ſtand in effect at a ſtay. Look then a little further into the Titles, whereby they have acquired, and do now hold theſe new Portions of their *Crown*, and you will finde them of ſo many varieties, and ſuch natures, (to ſpeak with due reſpect,) as may appear to be eaſily minted, and ſuch as can hardly at any time be wanting. And therefore ſo many new Conqueſts and Purchaſes, ſo many Strokes of the Larum-Bell of *Fear*, and Awaking, to other *Nations*, and the Facility of the Titles, which hand over head have ſerved their turn, doth ring the Peal ſo much the ſharper, and the louder.

Shall we deſcend from their general Diſpoſition, to enlarge their Dominions, to their particular Diſpoſition, and Eye of Appetite, which they have had towards us; They have now twice ſought to impatronize themſelves of this Kingdom of *England*; once by Marriage with Queen *Mary*; And the ſecond by *Conqueſt* in 88. when their Forces by Sea and Land, were not inferiour to thoſe they have now. And at that time in 88. the Counſel and Deſign of *Spain*, was, by many Advertiſements, revealed and laid open to be;

be; That they found the *War* upon the *Low Countreys*, ſo churliſh and longſome, as they grew then to a Reſolution; That as long as *England* ſtood in ſtate to ſuccour thoſe *Countreys*, they ſhould but conſume themſelves in an endleſs *War*; And therefore there was no other way, but to aſſail and depreſs *England*, which was as a Back of Steel to the *Flemmings*. And who can warrant (I pray) that the ſame Counſel and Deſign will not return again? So as we are in a ſtrange *Dilemma* of Danger: For if we ſuffer the *Flemmings* to be ruined, they are our Cut-work, and we ſhall remain Naked and Diſmantled: If we ſuccour them ſtrongly, (as is fit) and ſet them upon their feet, and do not withal weaken *Spain*, we hazard to change the Scene of the *War*, and to turn it upon *Ireland* or *England*: Like unto *Rheums* and *Defluxions*; which, if you apply a ſtrong Repercuſſive to the Place affected, and do not take away the Cauſe of the Diſeaſe, will ſhift, and fall ſtraightways to another Joynt, or Place. They have alſo twice invaded *Ireland*: Once under the *Popes Banner*, when they were defeated by the Lord *Grey*; And after in their own name, when they were defeated by the Lord *Mountjoy*. So as let this ſuffice for a Taſte of their Diſpoſition towards us. But it will be ſaid: This is an Almanack for the old Year; Since 88. all hath been well, *Spain* hath not aſſailed this Kingdom, howſoever by two ſeveral Invaſions from us mightily provoked. It is true, but then conſider, that immediately after 88. they were embroyled, for a great time, in the Protection of the League of *France*, whereby they had their hands full; After being brought extream low, by their vaſt and continual Embracements, they were enforced to be quiet, that they might take breath, and do Reparations upon their former Waſtes. But now of late Things ſeem to come apace to their former Eſtate. Nay with far greater Diſadvantage to us. For now that they have almoſt continued, and (as it were) arched their Dominions, from *Milan*, by the *Valtoline*, and *Palatinate*, to the *Low Countreys*; We ſee how they thirſt and pant after the utter Ruine of thoſe *States*; Having in contempt almoſt the *German Nation*, and doubting little oppoſition, except it come from *England*: Whereby either we muſt ſuffer the *Dutch* to be ruined, to our own manifeſt prejudice; Or put it upon the hazard, I ſpake of before, that *Spain* will caſt at the faireſt. Neither is the point of *Internal Danger*, which groweth upon us, to be forgotten; This; That the Party of the *Papiſts* in *England* are become more knotted, both in Dependance towards *Spain*, and amongſt themſelves, than they have been. Wherein again comes to be remembred the Caſe of 88. For then alſo it appeared by divers ſecret Letters, that the Deſign of *Spain* was, (for ſome years before the Invaſion attempted) to prepare a Party in this *Kingdom*, to adhere to the *Foreigner* at his coming. And they bragged, that they doubted not, but to abuſe and lay aſleep the *Queen* and *Council* of *England*, as to have any fear of the Party of *Papiſts* here; For that they knew (they ſaid) the *State* would but caſt the eye, and look about, to ſee whether there were any Eminent Head of that Party, under whom it might unite it ſelf; And finding none worth the

the thinking on, the *State* would rest secure, and take no apprehension; Whereas they meant, (they said) to take a course, to deal with the People, and particulars, by Reconcilements, and Confessions, and Secret Promises, and cared not for any Head of Party. And this was the true reason, why after that the *Seminaries* began to blossom, and to make Missions into *England*, (which was about the three and twentieth year of Queen *Elizabeth*, at whet time also was the first suspition of the *Spanish Invasion*) then, and not before, grew the sharp and severe Laws to be made against the Papists. And therefore the Papists may do well, to change their thanks; And whereas they thank *Spain* for their Favours, to thank them for their Perils and Miseries, if they should fall upon them: For that nothing ever made their Case so ill, as the Doubt of the Greatness of *Spain*; which adding Reason of *State*, to Matter of Conscience and Religion, did whet the *Laws* against them. And this Case also seemeth (in some sort) to return again at this time; except the Clemency of his *Majesty*, and the *State*, do superabound: As, for my part, I do wish it should; And that the Proceedings towards them, may rather tend to Security, and Providence, and Point of State, than to Persecution for Religion. But to conclude; These Things briefly touched may serve, as in a Subject Conjectural, and Future, for to represent, how just Cause of *Fear* this *Kingdom* may have towards *Spain*: Omitting (as I said before) all present, and more secret Occurrences.

The third Ground of a *War* with *Spain*, I have set down to be; *A Just Fear of the Subversion of our Church and Religion.* Which needeth little Speech: For if this *War* be a *Defensive*, (as I have proved it to be) no Man will doubt; That a *Defensive War*, against a Foreigner for *Religion*, is lawful. Of an *Offensive War* there is more Dispute: And yet in that instance of the *War* for the *Holy Land*, and *Sepulchre*, I can wonder sometimes, that the *School-Men* want words to defend that, which St. *Bernard* wanted words to commend. But I, that in this little Extract of a Treatise, do omit things necessary, am not to handle things unnecessary. No man, I say, will doubt, but if the *Pope*, or *King* of *Spain*, would demand of us to forsake our *Religion*, upon pain of a *War*, it were as unjust a Demand, as the *Persians* made to the *Grecians* of *Land* and *Water*; Or the *Ammonites* to the *Israelites* of their *Right Eyes*. And we see all the *Heathen* did stile their *Defensive Wars*, *Pro Aris & Focis*; Placing their Altars before their Hearths. So that it is in vain of this to speak further. Onely this is true; That the *Fear* of the *Subversion* of our *Religion* from *Spain*, is the more just, for that all other *Catholick Princes* and *States*, content and contain themselves, to maintain their *Religion* within their own Dominions, and meddle not with the Subjects of other *States*; Whereas the Practice of *Spain* hath been, both in *Charles* the Fifth's time, and in the time of the *League* in *France*, by *War*; And now with us, by Conditions of Treaty, to intermeddle with *Foreign States*, and to declare themselves Protectors General, of the

the Party of *Catholicks*, through the World. As if the Crown of *Spain* had a little of this; That they would plant the *Popes Laws* by *Arms*, as the *Ottomans* do the *Law of Mahomet*. Thus much concerning the first main Point of *Justifying the Quarrel*; if the *King* shall enter into a *War*; For this that I have said, and all that followeth to be said, is but to shew what he may do.

The Second main Part, of that I have propounded to speak of, is the *Ballance of Forces between* Spain *and us*. And this also tendeth to no more, but what the *King* may do. For *what he may do*, is of two kindes: What he may do as *Just*; And what he may do as *Possible*. Of the one I have already spoken; Of the other I am now to speak. I said, *Spain* was no such *Giant*; And yet if he were a *Giant*, it will be, but as it was between *David* and *Goliah*; for *God is on our side*. But to leave all Arguments that are Supernatural, and to speak in an Humane and Politick Sense; I am led to think that *Spain* is no Over-match for *England*, by that which leadeth all Men; That is, *Experience*, and *Reason*. And with *Experience* I will begin; For there all *Reason* beginneth.

Is it Fortune, (shall we think,) that in all Actions of *War* or Arms, great and small, which have happened these many years, ever since *Spain* and *England* have had any thing to debate one with the other, the *English*, upon all Encounters, have perpetually come off with honour, and the better? It is not fortune sure; She is not so constant. There is somewhat in the *Nation*, and Natural Courage of the People, or some such thing. I will make a brief List of the Particulars themselves, in an Historical Truth, no ways strowted, nor made greater by Language. This were a fit Speech, (you will say,) for a *General*, in the Head of an Army, when they were going to Battel; Yes; And it is no less fit Speech, to be spoken in the Head of a Council, upon a Deliberation of Entrance into a *War*. Neither speak I this to disparage the *Spanish Nation*, whom I take to be of the best Soldiers in *Europe*. But that sorteth to our honour, if we still have had the better hand.

In the year 1573. was that famous *Lammas Day*, which buried the Reputation of *Don Ihuan d'Austria*, himself not surviving long after. *Don Ihuan*, being superiour in Forces, assisted by the Prince of *Parma*, *Mondragon*, *Mansell*, and other the best Commanders of *Spain*, confident of Victory, charged the Army of the *States* near *Rimenant*, bravely and furiously at the first; but after a Fight maintained by the space of a whole day, was repulsed and forced to a Retreat, with great slaughter of his men, and the Course of his further Enterprizes was wholly arrested; And this chiefly by the Prowess and Vertue of the *English* and *Scottish* Troops, under the Conduct of Sir *John Norris*, and Sir *Robert Stuart*, Colonels. Which Troops came to the Army but the day before, harrased with a long and wearisom march; and (as it is left for a Memorable Circumstance in all Stories,) the Souldiers, being more sensible of a little Heat of the Sun, than any cold

Fear

Fear of Death, cast away their Armour and Garments from them, and fought in their Shirts: And, as it was generally conceived, had it not been that the Count of *Bossu* was slack in charging the *Spaniards*, upon their Retreat, this Fight had sorted to an absolute Defeat. But it was enough to chastise *Don Ihuan*, for his insidious Treaty of Peace, wherewith he had abused the *States* at his first coming. And the Fortune of the day, (besides the Testimony of all Stories,) may be the better ascribed to the Service of the *English* and *Scottish*, by comparison of this Charge near *Rimenant*, (where the *English* and *Scottish*, in great numbers came in action,) with the like Charge given by *Don Ihuan*, half a year before at *Glembours*, where the Success was contrary; There being at that time in the Army, but a Handful of *English* and *Scottish*, and they put in disarray by the Horsemen, of their own Fellows.

The first Dart of *War* which was thrown from *Spain*, or *Rome*, upon the Realm of *Ireland*, was in the year 1580. For the Design of *Stukeley* blew over into *Africk*; And the Attempt of *Sanders*, and *Fitz-Maurice*, had a spice of Madness. In that year, *Ireland* was invaded by *Spanish* and *Italian* Forces, under the *Popes* Banner, and the Conduct of St. *Josepho*, to the number of seven hundred, or better, which landed at *Smerwick* in *Kerey*. A poor number it was, to conquer *Ireland* to the *Popes* use; For their Design was no less: But withal they brought Arms for five thousand men above their own Company, intending to arm so many of the *Rebels* of *Ireland*: And their purpose was, to fortifie in some strong Place of the wilde and desolate Countrey, and there to nestle till greater Succours came; They being hastened unto this Enterprise, upon a special Reason of State, not proper to the Enterprise it self; Which was, by the Invasion of *Ireland*, and the noise thereof, to trouble the *Council* of *England*, and to make a diversion of certain Aids that then were preparing from hence for the *Low-Countreys*. They chose a place, where they erected a Fort, which they called *The Fort del Or*; And from thence they bolted like Beasts of the Forest, sometimes into the Woods and Fastnesses, and sometimes back again to their Den. Soon after Siege was laid to the Fort, by the Lord *Gray*, then Deputy, with a smaller number than those were within the Fort; Venturously indeed; But haste was made to attache them before the *Rebels* came in to them. After the siege of four days onely, and two or three Sallies, with loss on their part, they that should have made good the Fort for some moneths, till new Succours came from *Spain*, or at least from the Rebels of *Ireland*, yielded up themselves without Conditions, at the end of those four days. And for that there were not in the *English* Army enough to keep every man a Prisoner; And for that also the *Deputy* expected instantly to be assailed by the Rebels; And again, there were no Barques to throw them into, and send them away by Sea, they were all put to the sword; With which Queen *Elizabeth* was afterwards much displeased.

In the year 1582. was that Memorable *Retreat* of *Gaunt*; Than the which there hath not been an Exploit of *War* more celebrated.

For

For in the true judgement of Men of *War*, Honourable Retreats are no ways inferior to brave Charges; As having leſs of Fortune, more of Diſcipline, and as much of Valour. There were to the number of three hundred Horſe, and as many thouſand Foot *Engliſh*, (Commanded by Sir *John Norris*,) charged by the Prince of *Parma*, coming upon them with ſeven thouſand Horſe; Beſides that, the whole Army of *Spaniards* was ready to march on. Nevertheleſs Sir *John Norris* maintained a Retreat without Diſarray, by the ſpace of ſome miles, (part of the way Champagne) unto the City of *Gaunt*, with leſs loſs of Men than the Enemy: The *Duke* of *Anjou*, and the Prince of *Aurange*, beholding this noble Action from the Walls of *Gaunt*, as in a Theatre, with great Admiration.

In the year 1585. followed the Proſperous *Expedition* of *Drake*, and *Carlile*, into the *Weſt-Indies*. In the which, I ſet aſide the Taking of St. *Jago*, and St. *Domingo* in *Hiſpaniola*, as Surprizes, rather than Encounters. But that of *Cartagena*, where the *Spaniards* had warning of our coming, and had put themſelves in their full ſtrength, was one of the hotteſt Services, and moſt dangerous Aſſaults, that hath been known. For the Acceſs to the Town, was onely by a Neck of Land, between the Sea on the one part, and the Harbour Water, or Inner Sea, on the other; Fortified clean over with a ſtrong Rampier and Barracado; So as upon the Aſcent of our Men, they had both great Ordnance and ſmall Shot, that thundred and ſhowred upon them, from the Rampier in front, and from the Galleys that lay at Sea in flank. And yet they forced the Paſſage, and wan the Town, being likewiſe very well manned. As for the *Expedition* of Sir *Francis Drake*, in the year 1587. for the deſtroying of the *Spaniſh* Shipping, and Proviſion upon their own Coaſt; As I cannot ſay, that there intervened in that Enterprize, any ſharp Fight or Encounter; So nevertheleſs, it did ſtrangely diſcover, either that *Spain* is very weak at home, or very ſlow to move; When they ſuffered a ſmall Fleet of *Engliſh* to make an hoſtile Invaſion, or Incurſion, upon their Havens and Roads, from *Cadez* to *Capa Sacra*, and thence to *Caſcais*; And to fire, ſink, and carry away, at the leaſt, ten thouſand Tun of their great Shipping, beſides fifty or ſixty of their ſmaller Veſſels: And that in the ſight, and under the favour of their *Forts*; And almoſt under the Eye of their great *Admiral*, (the beſt *Commander* of *Spain* by Sea,) the Marquis *De Santa Cruz*, without ever being diſputed with by any fight of importance. I remember *Drake*, in the vaunting ſtile of a Souldier, would call this Enterprize, *The Cinging of the King of* Spains *Beard*.

The Enterprize of *Eighty Eight* deſerveth to be ſtood upon a little more fully, being a Miracle of Time. There armed from *Spain*, in the year 1588. the greateſt *Navy* that ever ſwam upon the Sea. For though there have been far greater Fleets for number, yet for the Bulk and Building of the Ships, with the Furniture of great Ordnance and Proviſions, never the like. The Deſign was to make, not an Invaſion onely, but an utter Conqueſt of this Kingdom. The number of Veſſels were one hundred and

thirty, whereof Galliaſſes and Gallions ſeventy two, goodly Ships like floating Towers, or Caſtles, manned with Thirty thouſand Souldiers and Mariners. This *Navy* was the Preparation of five whole years at the leaſt. It bare it ſelf alſo upon Divine Aſſiſtance; For it received ſpecial Bleſſing from Pope *Ziſtus*, and was aſſigned as an *Apoſtolical Miſsion*, for the Reducement of this *Kingdom* to the obedience of the *See* of *Rome*. And in further token of this holy Warfare, there were amongſt the reſt of theſe Ships, Twelve, called by the name of the *Twelve Apoſtles*. But it was truely conceived, that this Kingdom of *England* could never be over-whelmed, except the Land-Waters came in to the Sea-Tides. Therefore was there alſo in readineſs, in *Flanders*, a mighty ſtrong Army of Land-Forces, to the number of Fifty thouſand veterane Souldiers, under the Conduct of the Duke of *Parma*, the beſt Commander, next the French King *Henry* the Fourth, of his time. Theſe were deſigned to joyn with the Forces at Sea; There being prepared a number of Flat-bottom'd Boats, to tranſport the Land-Forces, under the Wing and Protection of the Great *Navy*. For they made no account, but that the *Navy* ſhould be abſolute Maſter of the Seas. Againſt theſe Forces, there were prepared, on our part, to the number of near one hundred Ships; Not ſo great of Bulk indeed, but of a more nimble Motion, and more ſerviceable; Beſides a leſs Fleet of 30 Ships, for the Cuſtody of the Narrow Seas. There were alſo in readineſs at Land, two Armies, beſides other Forces, to the number of Ten thouſand, diſperſed amongſt the Coaſt Towns, in the Southern Parts. The two Armies were appointed; One of them conſiſting of Twenty five thouſand Horſe and Foot, for the Repulſing of the Enemy, at their landing; And the other of Twenty five thouſand for ſafeguard and attendance about the Court, and the Queens Perſon. There were alſo other Dormant Muſters of Souldiers, throughout all Parts of the Realm, that were put in readineſs, but not drawn together. The two Armies were aſſigned to the Leading of two Generals, Noble Perſons, but both of them rather Courtiers, and Aſſured to the State, than Martial Men; yet lined and aſſiſted with Subordinate Commanders, of great Experience & Valor. The Fortune of the *War* made this Enterprize, at firſt, a Play at *Baſe*. The *Spaniſh Navy* ſet forth out of the *Groyne* in *May*, was diſperſt and driven back by Weather. Our *Navy* ſet forth ſomewhat later out of *Plimouth*, and bare up towards the Coaſt of *Spain*, to have fought with the *Spaniſh Navy*; And partly by reaſon of contrary Winds, partly upon advertiſement that the *Spaniards* were gone back, and upon ſome doubt alſo that they might paſs towards the Coaſt of *England*, whileſt we were ſeeking them afar off, returned likewiſe into *Plimouth*, about the middle of *July*. At that time, came more confident Advertiſement, (though falſe,) not onely to the Lord *Admiral*, but to the *Court*, that the *Spaniards* could not poſſibly come forward that year; Whereupon our *Navy* was upon the point of Disbanding, and many of our Men gone aſhore. At which very time, the *Invincible Armada*, (for ſo it was called

called in a *Spanish* Oſtentation throughout *Europe*) was diſcovered upon the Weſtern Coaſt. It was a kinde of Surprize; For that (as was ſaid) many of our men were gone to Land, and our Ships ready to depart. Nevertheleſs the Admiral with ſuch Ships only as could ſuddenly be put in readineſs, made forth towards them: In ſo much as of one hundred Ships, there came ſcarce thirty to work. Howbeit with them, and ſuch as came dayly in, we ſet upon them, and gave them the chaſe. But the *Spaniards*, for want of Courage, (which they called *Commiſſion*) declined the Fight, caſting themſelves continually into Roundels, (their ſtrongeſt Ships walling in the reſt,) and in that manner they made a flying march towards *Callis*. Our Men, by the ſpace of five or ſix days, followed them cloſe, fought with them continually, made great ſlaughter of their Men, took two of their great Ships, and gave divers others of their Ships their Deaths wounds, whereof ſoon after they ſank and periſhed; And (in a word) diſtreſſed them almoſt in the nature of a Defeat; We our ſelves, in the mean time, receiving little or no hurt. Near *Callis* the *Spaniards* anchored, expecting their Land-Forces, which came not. It was afterwards alledged, that the Duke of *Parma* did artificially delay his Coming. But this was but an Invention and Pretenſion given out by the *Spaniards*; Partly upon a *Spaniſh* Envy againſt that Duke, being an *Italian*, and his Son a Competitor to *Portugal*; But chiefly, to ſave the Monſtrous Scorn and Diſreputation, which they and their Nation received, by the Succeſs of that Enterprize. Therefore their Colours and Excuſes (forſooth) were, that their General by Sea had a limitted Commiſſion, not to fight until the Land-Forces were come in to them: And that the Duke of *Parma* had particular Reaches, and Ends of his own, underhand, to croſs the Deſign. But it was both a ſtrange Commiſſion, and a ſtrange Obedience to a Commiſſion, for Men in the midſt of their own blood, and being ſo furiouſly aſſailed, to hold their hands, contrary to the Laws of Nature and Neceſſity. And as for the Duke of *Parma*, he was reaſonably well tempted to be true to that Enterprize, by no leſs Promiſe, than to be made a Feudatary, or Beneficiary *King* of *England*, under the Seignorie (in chief) of the *Pope*, and the Protection of the King of *Spain*. Beſides it appeared, that the Duke of *Parma* held his place long after, in the Favour and Truſt of the King of *Spain*, by the great Employments and Services that he performed in *France*: And again, it is manifeſt, that the Duke did his beſt to come down, and to put to Sea: The Truth was, that the *Spaniſh Navy*, upon thoſe proofs of Fight which they had with the *Engliſh*, finding how much hurt they received, and how little hurt they did, by reaſon of the Activity and low building of our Ships, and skill of our Sea-men; And being alſo commanded by a General of ſmall Courage and Experience; And having loſt, at the firſt, two of their braveſt Commanders at Sea, *Petro de Valdez*, and *Michael de Oquenda*; durſt not put it to a Battel at Sea, but ſet up their reſt wholly upon the Land-Enterprize. On the other ſide, the Tranſporting of the Land-forces failed in the very foundation. For

whereas the *Council* of *Spain* made full account, that their *Navy* should be Master of the Sea, and therefore able to guard and protect the Vessels of Transportation; When it fell out to the contrary, that the Great *Navy* was distressed, and had enough to do to save it self; And again, that the *Hollanders* impounded their Land-forces with a brave Fleet of thirty Sayl, excellently well appointed; Things (I say) being in this state, it came to pass, that the Duke of *Parma* must have flown, if he would have come into *England*, for he could get neither Barque nor Mariner to put to Sea: Yet certain it is, that the Duke looked still for the coming back of the *Armada*, even at that time, when they were wandring, and making their Perambulation upon the Northern Seas. But to return to the *Armada*, which we left anchored at *Callis*. From thence, (as Sir *Walter Rawleigh* was wont prettily to say) *they were suddenly driven away with Squibs*; For it was no more but a Stratagem of Fire-boats, Manless, and sent upon them by the favour of the Wind, in the night time, that did put them in such terrour, as they cut their Cables, and left their Anchors at Sea. After they hovered some two or three days about *Graveling*, and there again were beaten in a great Fight, at what time our second Fleet, which kept the Narrow Seas, was come in and joyned to our main Fleet. Thereupon the *Spaniards* entring into further terrour, and finding also divers of their Ships every day to sink, lost all courage, and in stead of coming up into the *Thames Mouth* for *London*, (as their Design was) fled on towards the *North*, to seek their Fortunes; Being still chaced by the *English Navy* at the heels, until we were fain to give them over for want of Powder. The Breath of *Scotland* the *Spaniards* could not endure; Neither durst they as Invaders land in *Ireland*; But onely ennobled some of the Coasts thereof with shipwracks. And so going Northwards aloof, as long as they had any doubt of being pursued, at last when they were out of reach, they turned, and crossed the Ocean to *Spain*, having lost fourscore of their Ships, and the greater part of their Men. And this was the End of that *Sea-Giant*, the *Invincible Armada*. Which having not so much as fired a Cottage of ours at Land, nor taken a Cock-boat of ours at Sea, wandred through the Wilderness of the Northern Seas; And according to the Curse in the Scripture; *Came out against us one way, and fled before us seven ways*. Serving onely to make good the judgement of an Astrologer, long before given; *Octuagesimus Octavus Mirabilis Annus*; Or rather, to make good, (even to the astonishment of all Posterity) the wonderful Judgements of God poured down, commonly, upon vast and proud Aspirings.

In the year, that followed, of 1589. we gave the *Spaniards* no breath, but turned Challengers, and invaded the Main of *Spain*. In which Enterprize, although we failed in our End, which was to settle *Don Antonio* in the Kingdom of *Portugal*, yet a man shall hardly meet with an Action, that doth better reveal the great Secret of the Power of *Spain*: Which Power, well sought into, will be found rather to consist in a Veterane Army, (such as upon several Occasions

ſions and Pretenſions, they have ever had on foot, in one part or other of *Chriſtendom*, now the ſpace of (almoſt) ſixſcore years,) than in the ſtrength of their Dominions and Provinces. For what can be more ſtrange, or more to the Dif-valuation of the Power of the *Spaniard* upon the Continent, than that with an Army of Eleven thouſand *Engliſh*, Land-Souldiers, and a Fleet of Twenty ſix Ships of War, beſides ſome weak Veſſels for Tranſportation, we ſhould within the Hour-glaſs of two Moneths have won one Town of importance by *Eſcalada*; Battered and Aſſaulted another; Overthrown great Forces in the Field, and that upon the diſadvantage of a Bridge ſtrongly barracado'd, Landed the Army in three ſeveral places of his Kingdom; Marched ſeven days in the Heart of his Countreys; Lodged three nights in the Suburbs of his principal City; Beaten his Forces into the Gates thereof; Poſſeſſed two of his Frontire Forts; And come off, after all this, with ſmall loſs of Men, otherwiſe than by Sickneſs. And it was verily thought, that had it not been for four great Diſfavours of that Voyage; (That is to ſay; The failing in ſundry Proviſions that were promiſed, eſpecially of Cannons for Battery; The vain Hopes of *Don Antonio* concerning the People of the Countrey, to come in to his aid; The Diſappointment of the Fleet that was directed to come up the River of *Lisbon*; And laſtly, the Diſeaſes which ſpred in the Army, by reaſon of the Heat of the Seaſon, and of the Souldiers Miſrule in Diet;) the Enterprize had ſucceeded, and *Lisbon* had been carried. But howſoever, it makes proof to the World, that an Invaſion of a few *Engliſh* upon *Spain*, may have juſt hope of Victory, at leaſt of Paſport to depart ſafely.

In the year 1591. was that Memorable Fight, of an *Engliſh Ship* called *The Revenge*, under the Command of Sir *Richard Greenvil*; Memorable (I ſay) even beyond credit, and to the Height of ſome Heroical Fable. And though it were a Defeat, yet it exceeded a Victory; being like the Act of *Sampſon*, that killed more Men at his Death, than he had done in the time of all His Life. This *Ship* for the ſpace of fifteen hours, ſate like a Stag amongſt Hounds, at the bay, and was ſeiged, and fought with, in turn, by fifteen great Ships of *Spain*; part of a Navy of Fifty five Ships in all; The reſt like Abettors looking on afar off. And amongſt the fifteen Ships that fought, the great St. *Philippo* was one, a Ship of fifteen hundred Tun; Prince of the twelve *Sea Apoſtles*, which was right glad, when ſhe was ſhifted off from the *Revenge*. This brave Ship the *Revenge*, being Manned onely with two hundred (Souldiers and Mariners,) whereof eighty lay ſick, yet nevertheleſs after a Fight maintained (as was ſaid) of fifteen hours, and two Ships of the Enemy ſunk by her ſide; Beſides many more torn and battered, and great ſlaughter of men, never came to be entred, but was taken by Compoſition; The Enemies themſelves having in admiration the Vertue of the Commander, and the whole Tragedy of that Ship.

In the year 1596. was the Second *Invaſion*, that we made upon the Main Territories of *Spain*, proſperouſly atchiev'd by that Worthy and Famous, *Robert* Earl of *Eſſex*, in conſort with the Noble Earl

Earl of *Notingham*, that now liveth, then *Admiral*. This Journey was like Lightning; For in the ſpace of fourteen hours, the King of *Spains Navy* was deſtroyed, and the Town of *Cadez* taken. The *Navy* was no leſs than fifty tall Ships, beſides twenty Gallies to attend them. The Ships were ſtraightways beaten, and put to flight. with ſuch terrour, as the *Spaniards*, in the end, were their own Executioners, and fired them all with their own hands. The Gallies, by the benefit of the Shores and Shallows, got away. The Town was a fair, ſtrong, well built, and rich City; Famous in Antiquity, and now moſt ſpoken of for this Diſaſter. It was mann'd with 4000 Soldiers Foot, and ſome 400 Horſe; It was ſacked, and burned, though great Clemency was uſed towards the Inhabitants. But that which is no leſs ſtrange than the ſudden Victory, is the great patience of the *Spaniards*; Who, though we ſtaid upon the place divers days, yet never offered us any play then, nor ever put us in ſuit, by any Action of Revenge, or Reparation, at any time after.

In the year 1600. was the Battel of *Newport* in the *Low Countries*, where the Armies of the *Arch-Duke*, and the *States*, tried it out by a juſt Battell. This was the only Battell, that was fought in thoſe Countries, theſe many years. For Battels in the *French Wars* have been frequent; But in the *Wars* of *Flanders*, rare, as the Nature of a Defenſive requireth. The Forces of both Armies were not much unequal: That of the *States* exceeded ſomewhat in number; but that again was recompenſed in the quality of the Souldiers; For thoſe of the *Spaniſh* Part were of the Flower of all the Forces. The *Arch Duke* was the Aſſailant, and the Preventer, and had the fruit of his Diligence and Celerity. For he had charged certain Companies of *Scottiſhmen*, to the number of eight hundred, ſent to make good a Paſſage, and thereby ſevered from the Body of the Army, and cut them all in pieces: For they like a brave Infantry, when they could make no honorable Retreat, and would take no diſhonorable Flight, made good the place with their Lives. This Enterance of the Battel did whet the Courage of the *Spaniards*, though it dulled their Swords; ſo as they came proudly on, confident to defeat the whole Army. The Encounter of the Main Battel, which followed, was a juſt Encounter, not haſtening to a ſudden Rout, nor the Fortune of the day reſting upon a few former Ranks, but fought out to the proof by ſeveral Squadrons, and not without variety of ſucceſs; *Stat pedi pes, denſuſque viro vir*. There fell out an Errour in the *Dutch* Army, by the over-haſty Medly of ſome of their Men, with the Enemies, which hindred the playing of their great Ordnance. But the End was, that the *Spaniards* were utterly defeated, and near five thouſand of their Men, in the Fight, and in the Execution, ſlain, and taken; Amongſt whom were many of the principal Perſons of their Army. The Honour of the Day was, both by the Enemy, and the *Dutch* themſelves, aſcribed unto the *Engliſh*; Of whom Sir *Francis Vere*, in a private *Commentary*, which he wrote of that Service, leaveth teſtified; That of fifteen hundred in number, (for they were no more) eight hundred were ſlain in the field; And (which is almoſt incredible in a day of Victory,) of the remaining

ing ſeven hundred, two onely Men came off unhurt. Amongſt the reſt Sir *Francis Vere* himſelf had the principal honour of the Service, unto whom the Prince of *Aurange* (as is ſaid) did tranſmit the Direction of the Army for that day. And in the next place, Sir *Horace Vere* his Brother, that now liveth, who was the principal in the Active part. The Service alſo, of Sir *Edward Cecill*, Sir *John Ogle*, and divers other brave Gentlemen, was eminent.

In the year 1601. followed the Battel of *Kinſale* in *Ireland*. By this *Spaniſh Invaſion* of *Ireland*, (which was in *September* that year) a Man may gueſs, how long time a *Spaniard* will live in *Iriſh* ground; which is a matter of a quarter of a year, or four moneths at moſt. For they had all the Advantages in the world; And no man would have thought, (conſidering the ſmall Forces imployed againſt them) that they could have been driven out ſo ſoon. They obtained, without reſiſtance, in the end of *September*, the Town of *Kinſale*; A ſmall Gariſon of 150 *Engliſh*, leaving the Town upon the *Spaniards* approach, and the Townſmen receiving the *Foreiners* as friends. The number of *Spaniards* that put themſelves into *Kinſale*, was 2000 men, Soldiers of old Bands, under the command of *Don Ihuan d'Aquila*, a man of good valour. The Town was ſtrong of it ſelf; neither wanted there any Induſtry to fortifie it on all parts, and make it tenable, according to the Skill and Diſcipline of *Spaniſh* Fortification. At that time the *Rebels* were proud, being encouraged upon former Succeſſes; For though the then Deputy, the Lord *Mountjoy*, and Sir *George Carew*, Preſident of *Munſter*, had performed divers good Services to their prejudice; Yet the Defeat they had given the *Engliſh* at *Blackwater*, not long before; And their Treaty (too much to their honor) with the Earl of *Eſſex*, was yet freſh in their memory. The *Deputy* loſt no time, but made haſte to have recovered the Town, before new Succors came, and ſate down before it in *October*, and laid ſiege to it by the ſpace of three Winter Months, or more: During which time, Sallies were made by the *Spaniard*, but they were beaten in with loſs. In *January* came freſh Succors from *Spain*, to the number of 2000. more, under the Conduct of *Alonzo d'Ocampo*. Upon the Comforts of theſe Succors, *Tirone* and *Odonnel*, drew up their Forces together, to the number of 7000. beſides the *Spaniſh* Regiments, and took the field, reſolved to reſcue the Town, and give the *Engliſh* Battel. So here was the Caſe: An Army of *Engliſh*, of ſome 6000, waſted and tired with a long Winters Siege, engaged in the middeſt between an Army of a greater number than themſelves, freſh and in vigor, on the one ſide; and a Town ſtrong in fortification, and ſtrong in Men, on the other. But what was the Event? Thus in few words; That after the *Iriſh* and *Spaniſh* Forces had come on, and ſhewed themſelves in ſome Bravery, they were content to give the *Engliſh* the honor, as to charge them firſt; And when it came to the Charge, there appeared no other difference between the Valour of the *Iriſh Rebels*, and the *Spaniards*, but that the one ran away before they were charged, and the other ſtraight after. And again, the *Spaniards* that were in the Town, had ſo good Memories of their Loſſes, in their former Sallies, as the Confidence of an Army, which came for their de-

deliverance, could not draw them forth again. To conclude, there succeeded an absolute Victory for the *English*, with the slaughter of above 2000 of the Enemy; The taking of nine Ensigns, whereof six *Spanish*; the taking of the *Spanish* General, *D'Ocampo*, Prisoner; And this with the loss of so few of the *English*, as is scarce credible; Being (as hath been rather confidently, than credibly reported) but of one Man, the Cornet of Sir *Richard Gream*, though not a few hurt. There followed immediately after the Defeat, a present yielding up of the Town by Composition; And not onely so, but an Avoiding (by express Articles of Treaty accorded) of all other *Spanish* Forces thorowout all *Ireland*, from the Places and Nests where they had setled themselves, in greater strength (as in regard of the natural Situation of the Places) than that was of *Kinsale*: Which were, *Castle haven*, *Baltimore*, and *Beere-haven*. Indeed they went away with sound of Trumpet; For they did nothing but publish and trumpet all the Reproaches they could devise against the Irish Land and Nation; Insomuch as *D' Aquila* said in open Treaty; *That when the Devil, upon the Mount, did shew Christ all the Kingdoms of the Earth, and the Glory of them, he did not doubt, but the devil left out Ireland, and kept it for himself.*

I cease here, omitting not a few other proofs of the *English* Valor and Fortune in their later times: As at the Suburbs of *Paris*, at the *Raveline*, at *Druse* in *Normandy*, some Encounters in *Britanny*, and at *Ostend*, and divers others; Partly because some of them have not been proper Encounters between the *Spaniards* and the *English*, and partly because others of them have not been of that greatness, as to have sorted in company with the Particulars formerly recited. It is true, that amongst all the late Adventures, the Voyage of Sir *Francis Drake*, and Sir *John Hawkins*, into the *West-Indies*, was unfortunate; Yet in such sort, as it doth not break or interrupt our Prescription; To have had the better of the *Spaniards* upon all Fights of late. For the Disaster of that Journey was caused chiefly by sickness; As might well appear by the Deaths of both the Generals, (Sir *Francis Drake*, and Sir *John Hawkins*) of the same sickness amongst the rest. The Land-Enterprise of *Panama*, was an ill measured and immature Counsel; for it was grounded upon a false account that the Passages towards *Panama* were no better fortified, than *Drake* had left them. But yet, it sorted not to any Fight of importance, but to a Retreat, after the *English* had proved the strength of their first Fort, and had notice of the two other Forts beyond, by which they were to have marched. It is true, that in the Return of the *English* Fleet, they were set upon by *Avellaneda*, Admiral of 20 great great ships *Spanish*, our Fleet being but 14, full of sick men, deprived of their two Generals at Sea, and having no pretence but to journey homewards: And yet the *Spaniards* did but salute them about the *Cape de los Corientes*, with some small offer of Fight, and came off with loss; Although it was such a new thing for the *Spaniards* to receive so little hurt upon dealing with the *English*, as *Avellaneda* made great brags of it, for no greater matter, than the waiting upon the *English* afar off, from *Cape de los Corientes* to *Cape Antonio*; Which nevertheless, in the Language of a Souldier, and of a *Spaniard*, he called a *Chace*.

But

But before I proceed further, it is good to meet with an Objection, which if it be not removed, the Concluſion of *Experience*, from the time paſt, to the time preſent, will not be found and perfect. For it will be ſaid, that in the former times (whereof we have ſpoken) *Spain* was not ſo mighty as now it is; And *England* on the other ſide, was more afore-hand in all matters of Power. Therefore let us compare with indifferency, theſe Diſparities of times, and we ſhall plainly perceive, that they make for the advantage of *England* at this preſent time. And becauſe we will leſs wander in Generalities, we will fix the Compariſon to preciſe Times; Comparing the State of *Spain* and *England* in the year 88. with this preſent year that now runneth. In handling of this Point, I will not meddle with any Perſonal Compariſons, of the *Princes*, *Councellors*, and *Commanders* by Sea or Land, that were then, and that are now, in both Kingdoms, *Spain* and *England*; but onely reſt upon Real Points, for the true Ballancing of the *State*, of the *Forces*, and *Affairs* of both Times. And yet theſe Perſonal Compariſons I omit not, but that I could evidently ſhew, that even in theſe Perſonal Reſpects, the Ballance ſways on our part: But becauſe I would ſay nothing that may ſavour of a ſpirit of Flattery, or Cenſure, of the preſent Government.

Firſt therefore, it is certain, that *Spain* hath not now a foot of Ground in quiet poſſeſſion, more than it had in 88. As for the *Valtoline*, and the *Palatinate*, it is a Maxim in State, that all Countreys of new Acqueſt, till they be ſetled, are rather matters of Burthen, than Strength. On the other ſide, *England* hath *Scotland* united, & *Ireland* reduc'd to obedience, and planted, which are mighty augmentations.

Secondly, in 88. the Kingdom of *France*, able alone to counterpoize *Spain* it ſelf, (much more in conjunction) was torn with the Party of the League, which gave Law to their King, and depended wholly upon *Spain*. Now *France* is united under a valiant young King, generally obeyed, if he will himſelf; King of *Navarre* as well as of *France*; And that is no ways taken Priſoner, though he be tyed in a double chain of Alliance, with *Spain*.

Thirdly, in 88. there ſate in the *See* of *Rome*, a fierce thundering Fryer, that would ſet all at ſix and ſeven; Or at ſix and five, if you allude to his Name. And though he would after have turned his teeth upon *Spain*, yet he was taken order with before it came to that. Now there is aſcended to the Papacy, a Perſonage that came in by a chaſte Election, no ways obliged to the Party of the *Spaniards*; A man bred in Embaſſages and Affairs of State; That hath much of the Prince, and nothing of the Fryer; And one, that though he love the Chair of the Papacy well, yet he loveth the Carpet above the Chair; That is, *Italy*, and the Liberties thereof, well likewiſe.

Fourthly, in 88. the King of *Denmark* was a ſtranger to *England*, and rather inclined to *Spain*; Now the King is incorporated to the Blood of *England*, & Engaged in the Quarrel of the *Palatinate*. Then alſo *Venice*, *Savoy*, and the *Princes* and *Cities* of *Germany*, had but a dull Fear of the Greatneſs of *Spain*, upon a general Apprehenſion onely of the ſpreading and ambitious Deſigns of that *Nation*: Now that fear is ſharpned and pointed, by the *Spaniards* late Enterpriſes, upon the

Valtoline, and the *Palatinate*, which come nearer them.

Fiftly and laſtly, the *Dutch* (which is the *Spaniards* perpetual Duelliſt) hath now, at this preſent, five Ships to one, and the like Proportion in Treaſure and Wealth, to that they had in 88. Neither is it poſſible (whatſoever is given out) that the Coffers of *Spain* ſhould now be fuller, than they were in 88. For at that time *Spain* had no other Wars ſave thoſe of the *Low Countreys*, which were grown into an Ordinary: Now they have had coupled therewith, the Extraordinary of the *Valtoline*, and the *Palatinate*. And ſo I conclude my Anſwer to the Objection raiſed, touching the Difference of times; Not entring into more ſecret paſſages of State; But keeping that Character of Stile, whereof *Seneca* ſpeaketh, *Plus ſignificat quam loquitur*.

Here I would paſs over from Matter of *Experience*, were it not that I held it neceſſary, to diſcover a wonderful Erroneous obſervation that walketh about, and is commonly received, contrary to all the Account of Time, and Experience. It is, that the *Spaniard*, where he once getteth in, will ſeldom (or never) be got out again. But nothing is leſs true than this. Not long ſince they got footing at *Breſt*, and ſome other parts in *French Britain*, and after quitted them. They had *Calais*, *Ardes*, and *Amiens*, and rendred them, or were beaten out. They had ſince *Verſeilles*, & fairly left it. They had the other day the *Valtoline*, and now have put it in depoſite. What they will do with *Ormus*, which the *Perſian* hath taken from them, we ſhall ſee. So that to ſpeak truly of later Times, they have rather poched and offered at a Number of Enterprizes, than maintained any conſtantly, quite contrary to that idle Tradition. In more antient times (leaving their Purchaſes in *Africk*, which they after abandoned,) when their great Emperor *Charles* had claſped *Germany*, (almoſt) in his fiſt, he was forced in the end, to go from *Isburg*, (and as if it had been in a Maſque, by Torch-light,) and to quit every foot in *Germany* round that he had gotten; which I doubt not, will be the Hereditary Iſſue of this late Purchaſe of the *Palatinate*. And ſo I conclude the Ground, that I have to think, that *Spain* will be no Over-match to *Great Britain*, if his *Majeſty* ſhal enter into a *War*, out of *Experience*, & *Records* of time.

For Grounds of *Reaſon* they are many: I will extract the principal, and open them briefly, and (as it were) in the Bud. For *Situation*, I paſs it over; though it be no ſmall point: *England*, *Scotland*, *Ireland*, and our good Confederates the *United Provinces*, lie all in a plump together, not acceſſible but by Sea, or at leaſt by paſſing of great Rivers, which are Natural Fortifications. As for the Dominions of *Spain*, they are ſo ſcattered, as it yieldeth great choice of the Scenes of the War, and promiſeth ſlow Succours unto ſuch Part as ſhall be attempted. There be three main parts of *Military Puiſſance*; *Men*, *Money*, and *Confederates*. For *Men*, there are to be conſidered, *Valour*, and *Number*. Of *Valour* I ſpeak not: Take it from the Witneſſes that have been produced before: Yet the old obſervation is not untrue; That the *Spaniards Valour* lieth in the Eye of the Looker on; But the *Engliſh Valor* lieth about the Souldiers Heart. A *Valor* of Glory, and a *Valor* of Natural Courage, are two things. But let that paſs, and let us ſpeak of *Number*. *Spain* is a Nation thin ſown of People; Partly

by

by reason of the Sterility of the Soil; And partly because their Natives are exhausted by so many Employments, in such vast Territories as they possess. So that it hath bin accounted a kind of Miracle, to see ten or twelve thousand Native *Spaniards* in an Army. And it is certain, (as we have touched it a little before in passage) that the Secret of the Power of *Spain*, consisteth in a Veterane Army, compounded of Miscellany Forces of all Nations, which for many years they have had on foot upon one occasion or other: And if there should happen the Misfortune of a Battel, it would be a long work to draw on Supplies. They tell a Tale of a *Spanish Ambassador*, that was brought to see the Treasury of St. *Mark* at *Venice*, and still he lookt down to the ground; And being asked why he so lookt down, said; *He was looking to see whether their Treasure had any Root, (so that if it were spent, it would grow again) as his Masters had.* But howsoever it be of their Treasure, certainly the Forces have scarce any Root; Or at least such a Root, as buddeth forth poorly & slowly. It is true, they have the *Wallons*, who are tall Souldiers; but that is but a Spot of Ground. But on the other side, there is not in the world again, such a Spring and Seminary of brave Militar People, as is *England*, *Scotland*, *Ireland*, and the *United Provinces*. So as if *Wars* should mowe them down never so fast, yet they may be suddenly supplyed, and come up again.

For *Money*, no doubt it is the principal Part of the Greatness of *Spain*: For by that they maintain a Veterane Army; And *Spain* is the onely State of *Europe*, that is a *Money grower*. But in this Part, of all others, is most to be considered, the tickliſh and brittle State of the Greatness of *Spain*. Their *Greatness* consisteth in their *Treasure*; their *Treasure* in their *Indies*; And their *Indies* (if it be well weighed) are indeed but an Accession to such, as are Masters by Sea. So as this Axeltree whereupon their Greatness turneth, is soon cut in two, by any that shall be stronger than they by Sea. Herein therefore I refer me to the Opinions of all Men (Enemies, or whomsoever) whether that the Maritime Forces of *Great Britain*, and the *United Provinces*, be not able to beat the *Spainard* at Sea. For if that be so, the Links of that Chain whereby they hold their Greatness, are dissolved. Now if it be said, that admit the Case of *Spain* be such, as we have made it, yet we ought to descend into our own Case, which we shall finde (perhaps) not to be in State, (for Treasure) to enter into a *War* with *Spain*. To which I answer; I know no such thing; The Mint beateth well; And the Pulses of the Peoples Hearts beat well. But there is another Point that taketh away quite this Objection: For whereas *Wars* are generally Causes of *Poverty*, or Consumption; on the contrary part, the special Nature of this *War* with *Spain*, (if it be made by Sea) is like to be a Lucrative and Restorative *War*. So that, if we go roundly on at the first, the *War* in continuance will find it self. And therefore you must make a great difference between *Hercules* Labors by Land, and *Jasons* Voyage by Sea for the Golden Fleece.

For *Contederates*, I will not take upon me the knowledge, how the Princes, States, and Councels of *Europe*, at this day, stand affected towards *Spain*; For that trencheth into the secret Occurents of the present

present Time, wherewith in all this Treatise I have forborn to meddle. But to speak of that which lieth open and in view: I see much Matter of Quarrel and Jealousie, but little of Amity and Trust towards *Spain*, almost in all other Estates. I see *France* is in competition with them, for three noble Portions of their Monarchy; *Navarre*, *Naples*, and *Millain*; And now freshly in difference with them about the *Valtoline*. I see once in 30 or 40 years cometh a *Pope*, that casteth his eye upon the Kingdom of *Naples*, to recover it to the Church: As it was in the minds of *Julius* 2. *Paulus* 4. and *Zistus* 5. As for that great Body of *Germany*, I see they have greater reason to *confederate* themselves with the Kings of *France*, and *Great Britain*, or *Denmark*, for the liberty of the *Germane Nation*, and for the Expulsion of *Spanish* and foreign Forces, than they had in the years 1552. and 1553. At which time they contracted a League with *Henry* II. the *French King*, upon the same Articles, against *Charles* V. who had impatronized himself of a great part of *Germany*, through the discord of the *German Princes*, which himself had sowen and fomented, Which League at that time did the Deed, and drave out all the *Spaniards* out of that part of *Germany*; and re-integrated that *Nation* in their antient Liberty and Honor. For the *West-Indies*, though *Spain* hath had yet not much actual disturbance there, except it have been from *England*; yet nevertheless I see all Princes lay a kind of claim unto them; accounting the Title of *Spain*, but as a Monopoly of those large Countreys, wherein they have, in great part, but an Imaginary Possession. For *Africk* upon the *West*, the Moors of *Valentia* expulsed, and their Allies, do yet hang as a Cloud or Storm over *Spain*. *Gabor* on the *East*, is like an Anniversary Wind, that riseth every year upon the Party of *Austria*. And *Persia* hath entred into Hostolity with *Spain*, and given them the first blow by taking of *Ormus*. It is within every mans observation also, that *Venice* doth think their State almost on fire, if the *Spaniards* hold the *Valtoline*. That *Savoy* hath learnt by fresh experience, That Alliance with *Spain* is no Security against the Ambition of *Spain*; And that of *Bavaria* hath likewise bin taught, that Merit and Service doth oblige the *Spaniard* but from day to day. Neither do I say, for all this, but that *Spain* may rectifie much of this ill blood, by their particular and cunning Negotiations: But yet there it is in the Body, and may break out, no man knows when, into ill Accidents: but at least it sheweth plainly that which serveth for our purpose; That *Spain* is much destitute of Assur'd and Confident *Confederates*. And therefore I will conclude this Part, with the Speech of a *Councellor* of State, in *Spain*, at this day, which was not without Salt. He said to his Master, the King of *Spain*, that now is, upon occasion: *Sir, I will tell your Majesty thus much for your comfort; Your Majesty hath but two Enemies; whereof the one is, All the World; And the other is, Your own Ministers.* And thus I end the Second Main Part, I propounded to speak of; which was, The *Ballancing* of the *Forces*, between the *Kings Majesty*, and the *King* of *Spain*, if a War must follow.

FINIS.

AN

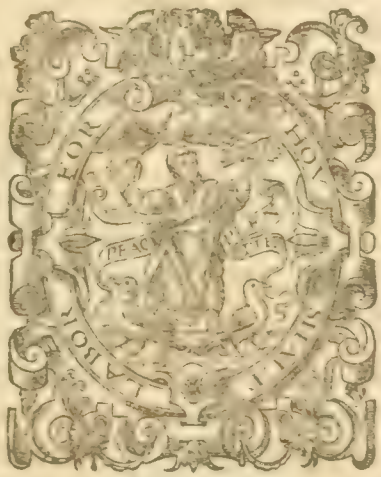
ADVERTISEMENT

Touching an

HOLY WAR.

Written in the Year, 1622.

Whereunto the Author prefixed an Epiſtle to the Biſhop of *WINCHESTER* laſt deceaſed.



LONDON,

Printed by *J. M.* for *Humphrey Robinſon*, and Sold by *William Lee*, 1670.

TO THE

RIGHT REVEREND Father in *GOD*

Lancelot Andrews,

Lord Biſhop of

WINCHESTER;

And Counſellour of Eſtate to his *MAJESTY.*

My Lord,

AMongſt *Conſolations, it is not the leaſt, to repreſent to a Mans ſelf, like* Examples *of Calamity in others. For* Examples *give a quicker Impreſſion, than* Arguments; *And beſides they certifie us that, which the* Scripture *alſo tendreth for ſatisfaction*; That no new thing is happened unto us. *This they do the better, by how much the* Examples, *are liker in circumſtances, to our own Caſe*; *And more eſpecially, if they fall upon* Perſons, *that are greater, and worthier, than our ſelves. For as it ſavoureth of Vanity, to match our ſelves highly, in our own conceit*; *So on the otherſide, it is a good ſound Concluſion, that if our Betters have ſuſtained the like Events, we have the leſs cauſe to be grieved.*

In this kind of Conſolation, I have not been wanting to my Self, Though as a Chriſtian, *I have taſted (through* Gods *great goodneſs,) of higher Remedies. Having therefore, through the Variety of my Reading, ſet before me, many*

Examples, *both of Ancient and Later Times, my Thoughts (I confess) have chiefly stayed upon three* Particulars, *as the most Eminent, and the most Resembling. All three* Persons, *that had held chief place of Authority in their Countries; All three ruined, not by War, or by any other Disaster, but by Justice, and Sentence, as Delinquents, and Criminals; All three famous Writers, insomuch as the remembrance of their Calamity, is now as to Posterity, but as a little Picture of Night-work, remaining amongst the fair, and excellent Tables, of their Acts, and Works. And all three (if that were anything to the matter,) fit* Examples *to quench any Mans Ambition of Rising again; For that they were every one of them restored with great glory, but to their further Ruine and Destruction, ending in a violent Death.* The Men *were,* Demosthenes, Cicero, *and* Seneca; *Persons, that I durst not claim Affinity with, except the Similitude of our Fortunes had contracted it. When I had cast mine Eyes upon these* Examples, *I was carried on further to observe, how they did bear their Fortunes, and principally, how they did employ their Times, being banished, and disabled for Publick Business: To the end, that I might learn by them; And that they might be, as well my Counsellours, as my Comforters. Whereupon I happened to note, how diversly, their Fortunes wrought upon them, especially in that point, at which I did most aim, which was the employing of their Times, and Pens. In* Cicero, *I saw, that during his Banishment, (which was almost two years,) he was so softned, and dejected, as he wrote nothing, but a few Womanish* Epistles. *And yet, in mine opinion, he had least reason of the Three, to be discouraged: For that although it was judged, and judged by the highest kind of Judgment, in form of a* Statute, *or* Law, *that he should be banished; And his whole Estate confiscated, and seized; And his houses pulled down; And that it should be highly penal, for any Man, to propound his Repeal; Yet his Case, even then, had no great Blot of Ignominy, but it was thought, but a Tempest of Popularity, which overthrew him.* Demosthenes *contrariwise, though his Case was foul, being condemned for* Bribery; *And not simple* Bribery, *but* Bribery *in the Nature of Treason, and Disloyalty; yet nevertheless took*

so

so little knowledge of his Fortune, as during his Banishment, he did much busie himself, and intermeddle with matters of State ; *And took upon him to Counsel the* State, (*as if he had been still at the* Helm,) *by letters* ; *As appears by some* Epistles *of his, which are extant.* Seneca *indeed, who was condemned, for many* Corruptions, *and* Crimes, *and banished into a solitary* Island, *kept a Mean*; *And though his Pen did not freese, yet he abstained from intruding into Matters of Businesse* ; *But spent his time, in writing* Books, *of excellent Argument, and Use, for all Ages* ; *Though he might have made better Choice*, (*sometimes*) *of his* Dedications.

These Examples *confirmed me much in a Resolution,* (*whereunto I was otherwise inclined,*) *to spend my Time wholly in Writing* ; *And to put forth that poor* Talent, *or half* Talent, *or what it is, that God hath given me, not as heretofore to particular* Exchanges, *but to* Banks, *or* Mounts *of Perpetuity, which will not break. Therefore having not long since, set forth a part of my* Instauration ; *Which is the Work, that in mine own judgment,* (Si unquam fallit Imago,) *I do most esteem* ; *I think to proceed in some new parts thereof. And although I have received from many Parts beyond the Seas, Testimonies touching that Work, such as beyond which I could not expect at the first, in so abstruse an Argument* ; *yet nevertheless I have just cause to doubt, that it flies too high over Mens Heads. I have a purpose therefore,* (*though I break the order of Time,*) *to draw it down to the sense, by some Patterns of a* Natural Story, *and* Inquisition. *And again, for that my* Book *of* Advancement of Learning, *may be some Preparative, or Key, for the better opening of the* Instauration ; *Because it exhibits a Mixture, of new Conceits, and old* ; *whereas the* Instauration, *gives the new unmixed, otherwise than with some little Aspersion of the old, for tastes sake* ; *I have thought good to procure a* Translation *of that* Book, *into the* General Language, *not without great and ample Additions, and Enrichment thereof* ; *Especially in the* Second Book, *which handleth the* Partition *of* Sciences : *In such sort, as I hold it may serve, in lieu of the* First Part, *of the* Instauration, *and acquit my promise in that*

part. Again, because I cannot altogether desert, the Civil Person, that I have born; Which if I should forget, Enough would remember; I have also entred into a work touching Laws; *Propounding a Character of* Justice, *in a middle term, between the Speculative, and Reverend discourses of Philosophers, and the Writings of* Lawyers, *which are tied, and obnoxious to their particular* Laws. *And although it be true, that I had a purpose, to make a particular* Digest, *or Recompilement, of the* Laws, *of mine own Nation; Yet because it is a Work of Assistance, and that, that I cannot master by mine own Forces, and Pen, I have laid it aside. Now having in the* Work *of my* Instauration, *had in contemplation, the general Good of* Men, *in their very Being, and the Dowries of Nature; And in my* Work *of* Laws, *the general good of* Men *likewise, in Society, and the Dowries of Government; I thought in duty I owed somewhat unto mine own* Country, *which I ever loved; Insomuch as although my Place, hath been far above my desert, yet my Thoughts, and Cares concerning the Good thereof, were beyond, and over, and above my place: So now being (as I am) no more able to do my* Country *Service, it remained unto me, to do it Honour: Which I have endeavoured to do, in my* Work, *of the* Reign, *of* King HENRY *the* Seventh. *As for my* Essayes, *and some other Particulars of that nature, I count them, but as the Recreations of my other Studies, and in that sort purpose to continue them; Though I am not ignorant, that those kind of* Writings, *would, with less pains, and embracement, (perhaps,) yield more Lustre, and* Reputation *to my Name, than those other, which I have in hand. But I account the Use, that a Man should seek, of the publishing of his own* Writings *before his Death, to be but an untimely Anticipation of that, which is proper to follow a Man, and not to go along with him.*

But revolving with my self, my Writings, *as well those which I have published, as those, which I had in hand, me thought they went all into the* City, *and none into the* Temple; *Where because I have found, so great Consolation, I desire likewise to make some poor Oblation. Therefore I have chosen an Argument, mixt of* Religious *and* Civil *Considerations;*

ons; And likewise mixt between Contemplative, *and* Active. *For who can tell, whether there may not be an* Exoriere aliquis? *Great Matters (especially if they be* Religious) *have (many times) small beginnings; And the Platform, may draw on the Building. This* Work, *because I was ever an Enemy to flattring* Dedications, *I have dedicated to your Lordship; In respect of our ancient, and private Acquaintance; And because amongst the Men of our Times, I hold you in especial* Reverence.

Your Lordships

Loving Friend,

Fr. St. *Alban.*

A N

AN ADVERTISEMENT Touching an HOLY WAR.

The persons that speak.

EUSEBIUS. GAMALIEL. ZEBEDÆUS. MARTIUS. EUPOLIS. POLLIO.

THere met at *Paris*, (in the House of *Eupolis*,) *Eusebius*, *Zebedæus*, *Gamaliel*, *Martius*; All Persons of eminent Quality, but of several Dispositions. *Eupolis* himself was also present: And while they were set in conference, *Pollio* came in to them from Court; And as soon as he saw them, after his witty and pleasant manner, he said.

Characters of the Persons. *Eusebius* beareth the Character of a Moderate Divine. *Gamaliel* of a Protestant Zelant. *Zebedæus* of a Romish Catholick Zelant. *Martius* of a Militar Man. *Eupolis* of a Politick. *Pollio* of a Courtier.

Pollio. Here be four of you, I think, were able to make a good *World*; for you are as differing as the Four *Elements*, and yet you are Friends. As for *Eupolis*, because he is Temperate, and without Passion, he may be the *Fifth Essence*. *Eupolis.* If we five (*Pollio*,) make the *Great World*, you alone may make the *Little*; Because you profess and practise both, to refer all things to your Self. *Pollio.* And what do they that practise it, and profess it not? *Eupolis.* They are the less Hardy, and the more Dangerous. But come, and sit down with us, for we were speaking of the *Affairs* of *Christendom*, at this day: Wherein we would be glad also, to have your Opinion. *Pollio.* My Lords, I have journeyed this Morning, and it is now the heat of the Day; Therefore your Lordships Discourses had need content my Ears very well, to make them entreat mine Eyes to

keep open. But yet if you will give me leave to awake you, when I think your Diſcourſes do but ſleep, I will keep watch the beſt I can. *Eupolis.* You cannot do us a greater Favour. Only I fear, you will think all our Diſcourſes, to be but the better ſort of Dreams: For good wiſhes, without power to effect, are not much more. But Sir, when you came in, *Martius* had both raiſed our Attentions, and affected us with ſome Speech he had begun; And it falleth out well, to ſhake off your Drowſineſs, for it ſeemed to be the *Trumpet* of a *War*. And therefore, (*Martius*,) if it pleaſe you, to begin again; For the Speech was ſuch, as deſerveth to be heard twice; And I aſſure you, your Auditory is not a little amended, by the preſence of *Pollio*. *Martius.* When you came in, (*Pollio*,) I was ſaying freely to theſe Lords, that I had obſerved, how by the ſpace now of half a *Century* of years, there had been (if I may ſpeak it,) a kind of Meanneſs, in the Deſignes, and Enterpriſes of *Chriſtendom*. Wars with *Subjects*; Like an angry Sute for a Mans own, that might be better ended by Accord. Some petty Acqueſts of a Town, or a Spot of Territory; Like a Farmers Purchaſe of a Cloſe, or nook of ground, that lay fit for him. And although the *Wars* had been, for a *Naples*, or a *Millain*, or a *Portugal*, or a *Bohemia*, yet theſe *Wars* were but as the *Wars* of Heathen, (of *Athens*, or *Sparta*, or *Rome*,) for ſecular Intereſt, or Ambition, not worthy the *Warfare* of *Chriſtians*. The *Church* (indeed) maketh her Miſſions, into the extream parts of the *Nations*, and *Iſles*; And it is well: But this is, *Ecce Unus Gladius hic*. The *Chriſtian Princes*, and *Potentates* are they, that are wanting, to the Propagation of the *Faith*, by their *Arms*. Yet our *Lord*, that ſaid on Earth, to the *Diſciples*, *Ite & prædicate*; Said from Heaven, to *Conſtantine*, *In hoc ſigno vince*. What *Chriſtian Souldier* is there, that will not be touched, with a Religious Emulation, to ſee an *Order* of *Jeſus*, or of Saint *Francis*, or of Saint *Auguſtine*, do ſuch ſervice, for enlarging the *Chriſtian Borders*; And an *Order* of Saint *Jago*, or Saint *Michael*, or Saint *George*, only to Robe, and Feaſt, and perform Rites, and Obſervances? Surely the *Merchants* themſelves, ſhall riſe in judgment againſt the *Princes*, and *Nobles* of *Europe*: For they have made a great Path, in the Seas, unto the ends of the World; And ſet forth Ships, and Forces, of *Spaniſh*, *Engliſh*, and *Dutch*, enough to make *China* tremble; And all this for *Pearl*, or *Stone*, or *Spices*: But for the *Pearl* of the *Kingdom* of *Heaven*, Or the *Stones* of the *Heavenly Hieruſalem*, Or the *Spices* of the *Spouſes Garden*, not a *Maſt* hath been ſet up. Nay they can make ſhift, to ſhed *Chriſtian* Bloud, ſo far off amongſt themſelves, and not a Drop for the Cauſe of *Chriſt*. But let me recall my ſelf; I muſt acknowledge, that within the ſpace of fifty years (whereof I ſpake,) there have been three Noble, and Memorable *Actions*, upon the *Infidels*, wherein the *Chriſtian* hath been the *Invader*. For where it is, upon the Defenſive, I reckon it, a *War* of Nature, and not of Piety. The firſt was, that Famous and Fortunate *War* by *Sea*, that ended in the Victory of *Lepanto*; Which hath put a Hook into the Noſtrils of the *Ottomans*, to this day: Which was the Work (chiefly)

(chiefly) of that excellent *Pope Pius Quintus*; whom I wonder his Successours have not declared a *Saint*. The second was, the Noble, though Unfortunate, *Expedition*, of *Sebastian King* of *Portugal*, upon *Africk*, which was atchieved by him alone; So alone, as left somewhat for others to Excuse. The last was, the brave *Incursions* of *Sigismund* the *Transilvanian Prince*; The thred of whose Prosperity was cut off, by the *Christians* themselves; contrary to the Worthy and Paternal Monitories of *Pope Clement the Eighth*. More than these, I do not remember. *Pol.* No! what say you, to the *Extirpation* of the *Moors* of *Valentia*? *At which sudden Question, Martius was a little at a stop, and* Gamaliel *prevented him, and said. Gamaliel.* I think *Martius* did well in omitting that Action, for I, for my part, never approved it; And it seems, *God* was not well pleased with that Deed; For you see the *King*, in whose time it passed, (whom you Catholicks count a Saint-like, and Immaculate *Prince*,) was taken away, in the Flower of his Age: And the *Author*, and great *Counsellour* of that Rigour, (whose Fortunes seemed to be *built upon the Rock*,) is ruined: And it is thought by some, that the reckonings of that Business, are not yet clear'd with *Spain*: For that numbers of those supposed *Moors*, being tried now by their Exile, continue constant in the *Faith*, and true *Christians* in all points, save in the thirst of *Revenge*. *Zebed.* Make not hasty Judgment, (*Gamaliel*,) of that great action; Which was as *Christs Fan*, in those Countries; Except you could shew, some such Covenant, from the *Crown* of *Spain*, as *Joshuah* made with the *Gibeonites*; That that *Cursed Seed* should continue in the Land. And you see, it was done by *Edict*, not tumultuously; The Sword was not put into the *Peoples* hand. *Eupol.* I think, *Martius* did omit it, not as making any Judgment of it, either way; But because it sorted not aptly, with Actions of *War*, being upon Subjects, and without resistance. But let us, if you think good, give *Martius* leave, to proceed in his Discourse; For methought he spake, like a *Divine* in *Armour*. *Martius.* It is true, (*Eupolis*,) that the Principal Object, which I have before mine Eyes, in that whereof I speak, is Piety, and Religion. But nevertheless, if I should speak only as a Natural Man, I should perswade the same thing. For there is no such Enterprise, at this day, for secular Greatness, and terrene Honour, as a *War* upon *Infidels*. Neither do I, in this, propound a Novelty, or Imagination, but that, which is proved by late Examples of the same kind, though perhaps of less difficulty. The *Castilians*, the Age before that wherein we live, opened the *New World*; And subdued, and planted *Mexico*, *Peru*, *Chile*, and other Parts of the *West Indies*. We see what Floods of Treasure, have flowed into *Europe*, by that Action; So that the Cense, or Rates of *Christendom*, are raised since ten times, yea twenty times told. Of this Treasure, it is true, the *Gold* was Accumulate, and Store Treasure, for the most part; But the *Silver* is still growing. Besides, infinite is the Access of Territory, and Empire, by the same Enterprise. For there was never an *Hand* drawn, that did double the *Rest*, of the *Habitable World*, before this; For so a Man

Man may truly term it, if he ſhall put to account, as well that that is, as that which may be hereafter, by the further Occupation, and Colonizing of thoſe Countries. And yet it cannot be affirmed, (if one ſpeak ingenuouſly,) that it was the *Propagation* of the *Chriſtian Faith*; that was the Adamant of that Diſcovery, Entry, and Plantation; But Gold, and Silver, and Temporal Profit, and Glory: So that, what was firſt in *Gods* Providence, was but ſecond in Mans Appetite, and Intention. The like may be ſaid, of the famous Navigations, and Conqueſts of *Emanuel*, *King* of *Portugal*, whoſe Armes began to circle *Africk* and *Aſia*; and to acquire not only the Trade of Spices, and Stones, and Muſk, and Drugs, but Footing, and places, in thoſe extream parts of the *Eaſt*. For neither in this, was *Religion* the principal, but Amplification, and Enlargement, of Riches, and Dominion. And the Effect, of theſe two Enterpriſes, is now ſuch, that both the *Eaſt*, and the *Weſt Indies*, being met in the *Crown* of *Spain*, it is come to paſs, that as one ſaith in a brave kind of Expreſſion; *The Sun never ſets in the Spaniſh Dominions, but ever ſhines, upon one part, or other of them*: Which, to ſay truly, is a beam of Glory, though I cannot ſay, it is ſo ſolid a Body of Glory, wherein the *Crown* of *Spain*, ſurpaſſeth all the former *Monarchies*. So as to conclude, we may ſee, that in theſe Actions upon *Gentiles*, or *Infidels*, only or chiefly, both the Spiritual, and Temporal, Honour and Good, have been in one purſuit and purchaſe conjoyned. *Pol.* Methinks, with your favour, you ſhould remember, (*Martius*,) that Wild, and Savage People, are like Beaſts, and Birds, which are *Feræ Naturæ*, the Property of which paſſeth with the Poſſeſſion, and goeth to the Occupant; But of Civil People, it is not ſo. *Mar.* I know no ſuch difference, amongſt reaſonable Souls; But that whatſoever is in order, to the greateſt, and moſt general good of people, may juſtifie the Action, be the people more, or leſs Civil. But, (*Eupolis*) I ſhall not eaſily grant, that the people of *Peru*, or *Mexico*, were ſuch brute Savages, as you intend; or that there ſhould be any ſuch difference between them, and many of the Infidels, which are now in other parts. In *Peru*, though they were unapparelled People, according to the Clime; And had ſome Cuſtoms very barbarous; Yet the *Government* of the *Incae's*, had many parts of Humanity, and Civility. They had reduced the *Nations*, from the *Adoration* of a multitude of *Idols* and *Fancies*, to the *Adoration* of the *Sun*. And, as I remember, the *Book* of *Wiſdom* noteth degrees of *Idolatry*; making that of *Worſhipping* Petty and Vile *Idols*, more groſs, than ſimply the *Worſhipping* of the *Creature*. And ſome of the *Prophets*, as I take it, do the like, in the Metaphore, of more ugly, and beſtial *Fornication*. The *Peruvians* alſo, (under the *Incaes*,) had magnificent Temples of their Superſtition; They had ſtrict and regular Juſtice; They bare great Faith, and Obedience to their *Kings*; They proceeded in a kind of Martial Juſtice with their Enemies, offering them their Law, as better for their own good, before they drew their Sword. And much like, was the State of *Mexico*, being an *Elective Monarchy*. As for thoſe people of the Eaſt, (*Goa*, *Calecute*,

Calecute, Malaca,) they were a fine, and dainty people, Frugal and yet Elegant, though not Militar. So that if things be rightly weighed, the *Empire* of the *Turks* may be truly affirmed, to be more barbarous, than any of these. A cruel Tyranny, bathed in the blood of their Emperours, upon every Succession: A heap of Vassals and Slaves: No Nobles, No Gentlemen: No Free-men, No Inheritance of Land, No Stirp or Ancient Families: A people that is without *Natural Affection*, and, as the *Scripture* saith, that *Regardeth not the desires of Women*: And without Piety, or care towards their Children: A *Nation* without Morality, without Letters, Arts, or Sciences; That can scarce measure an Acre of Land, or an hour of the Day: Base and sluttish in Buildings, Diets, and the like: And in a word, a very reproach of Human Society: And yet this *Nation* hath made the *Garden* of the *World*, a *Wilderness*; For that, as it is truly said, concerning the *Turks*; *Where Ottomans Horse sets his Foot, people will come up very thin. Pollio.* Yet in the midst of your Invective, (*Martius,*) do the *Turks* this right, as to remember, that they are no *Idolaters*: For if, as you say, there be a difference, between *Worshipping* a base *Idol*, and the *Sun*; There is a much greater difference, between worshipping a *Creature*, and the *Creator*. For the *Turks* do acknowledge *God* the *Father*, *Creator* of *Heaven*, and *Earth*, being the first Person in the *Trinity*, though they deny the rest. *At which Speech, when* Martius *made some pause*, Zebedæus *replied with a Countenance of great Reprehension, and Severity. Zebed.* We must take heed, (*Pollio,*) that we fall not at unawares, into the Heresie of *Manuel Commenus*, *Emperour* of *Grecia*; Who affirmed, that *Mahomets God*, was the true *God*; Which Opinion was not only rejected, and condemned by the *Synod*, but imputed to the *Emperour*, as extream Madness; Being reproached to him also, by the *Bishop* of *Thessalonica*, in those bitter, and strange Words, as are not to be named. *Martius.* I confess, that it is my Opinion, that a *War* upon the *Turk*, is more worthy, than upon any other Gentiles, Infidels, or Savages, that either have been, or now are, both in point of *Religion*, and in point of *Honour*; Though facility, and hope of Success, might (perhaps) invite some other Choice. But before I proceed, both my Self would be glad to take some Breath; And I shall frankly desire, that some of your Lordships would take your turn to speak, that can do it better. But chiefly, for that I see here some, that are excellent Interpreters of the *Divine Law*, though in several ways; And that I have reason to distrust mine own Judgment, both as weak in it self, and as that which may be overborn by my Zeal, and Affection to this Cause. I think it were an Errour to speak further, till I may see some sound Foundation laid, of the *Lawfulness* of the *Action*, by them that are better versed in that Argument. *Eupolis.* I am glad, (*Martius,*) to see in a Person of your Profession, so great Moderation, in that you are not transported in an Action, that warms the blood, and is appearing Holy, to blaunch, or take for admitted, the point of *Lawfulness*. And because methinks this Conference prospers, if your

Lordſhips will give me leave, I will make ſome motion, touching the diſtribution of it into Parts. *Unto which, when they all aſſented, Eupolis* ſaid. *Eupolis.* I think, it would not ſort amiſs, if *Zebedæus* would be pleaſed, to handle the Queſtion; Whether a *War*, for the *Propagation* of the *Chriſtian Faith*, without other cauſe of Hoſtility, be lawful, or no, and in what Caſes? I confeſs alſo, I would be glad to go a little further; And to hear it ſpoken to, concerning the *Lawfulneſs*, not only permiſſively, but whether it be not Obligatory, to *Chriſtian Princes*, and *States*, to deſign it: Which part, if it pleaſe *Gamaliel* to undertake, the point of the *Lawfulneſs*, taken ſimply, will be Compleat. Yet there reſteth the *Comparative:* That is, it being granted, that it is either *Lawful*, or *Binding*, yet whether other things be not to be preferr'd before it; As *Extirpation* of *Hereſies*; *Reconcilements* of *Schiſms*; *Purſuit* of *Lawful Temporal Rights*, and *Quarrels*; and the like: And how far this *Enterpriſe*, ought either to wait upon theſe other Matters; Or to be mingled with them; Or to paſs by them, and give Law to them, as inferiour unto it ſelf; And becauſe this is a great part, and *Euſebius* hath yet ſaid nothing, we will, by way of Mulct, or Pain, if your Lordſhips think good, lay it upon him. All this while, I doubt much, that *Pollio*, who hath a ſharp Wit of Diſcovery, towards what is Solid and Real, and what is Specious and Aiery, will eſteem all this but *Impoſſibilities*, and Eagles in the Clouds: And therefore we ſhall all intreat him, to cruſh this *Argument*, with his beſt Forces; That by the Light, we ſhall take from him, we may either caſt it away, if it be found but a Bladder; Or diſcharge it, of ſo much as is vain, and not ſperable. And becauſe, I confeſs, I my ſelf am not of that Opinion, although it be an hard Encounter to deal with *Pollio*, yet I ſhall do my beſt, to prove the *Enterpriſe Poſſible*; And to ſhew, how all *Impediments* may be either removed, or overcomen. And then it will be fit for *Martius*, (if we do not deſert it before,) to reſume his further Diſcourſe, as well for the *Perſwaſive*, as for the *Conſult*, touching the *Means*, *Preparations*, and all that may conduce unto the *Enterpriſe*. But this is but my Wiſh, your Lordſhips will put it into better order. *They all not only allowed the* Diſtribution, *but accepted the* Parts: *But becauſe the Day was ſpent, they agreed, to deſer it, till the next Morning. Only* Pollio *ſaid. Pollio.* You take me right, (*Eupolis*;) For I am of opinion, that except you could bray *Chriſtendom* in a Mortar, and mould it into a New Paſt, there is no *Poſſibilitie* of an *Holy War*. And I was ever of opinion, that the *Philoſophers Stone*, and an *Holy War*, were but the *Rendezvous* of Crackt Brains, that wore their Feather in their Head, inſtead of their Hat. Nevertheleſs, believe me of Courteſie, that if you *Five* ſhall be of another mind, eſpecially after you have heard what I can ſay, I ſhall be ready to certifie with *Hippocrates*, that *Athens* is mad, and *Democritus* is only ſober. And leſt you ſhould take me for altogether Adverſe, I will frankly contribute to the Buſineſs, now at firſt. Ye, no doubt, will amongſt you deviſe and diſcourſe many ſolemn Matters: But do as I ſhall tell you. This *Pope* is Decrepit, and the Bell goeth for him. Take order, that when

when he is Dead, there be choſen a *Pope* of freſh years, between fifty and threeſcore; And ſee that he take the Name of *Urban*, becauſe a *Pope* of that Name did firſt inſtitute the *Cruzada*; And, (as with an holy Trumpet,) did ſtir up the *Voyage*, for the *Holy Land*. *Eupolis*. You ſay well; but be, I pray you, a little more ſerious in this Conference.

The next day, the ſame Perſons *met, as they had appointed*; *And after they were ſet, and that there had paſſed ſome ſporting ſpeeches from* Pollio, *how the War was already begun; For that, (he ſaid) he had dream't of nothing but* Janizaries, *and* Tartars, *and* Sultans *all the night long*, Martius *ſaid*. *Martius*. The *Diſtribution* of this Conference, which was made by *Eupolis* yeſternight, and was by us approved, ſeemeth to me perfect, ſave in one Point; and that is, not in the *Number*, but in the *Placing* of the *Parts*. For it is ſo diſpoſed, that *Pollio* and *Eupolis*, ſhall debate the *Poſſibility*, or *Impoſſibility* of the *Action*, before I ſhall deduce the *Particulars* of the *Means*, and *Manner*, by which it is to be atchieved. Now I have often obſerved in *Deliberations*, that the entring near hand, into the manner of Performance, and Execution of that, which is under Deliberation, hath quite overturn'd the Opinion formerly conceiv'd, of the *Poſſibility* or *Impoſſibility*. So that things, that at the firſt ſhew, ſeemed *Poſſible*, by Ripping up the Performance of them, have been convicted of *Impoſſibility*; and things, that, on the other ſide, have ſhewed *Impoſſible*, by the Declaration of the Means to effect them, as by a back Light, have appeared *Poſſible*, the way thorow them being diſcerned. This I ſpeak, not to alter the Order, but only to deſire *Pollio*, and *Eupolis*, not to ſpeak peremptorily, or concluſively, touching the Point of *Poſſibility*, till they have heard me deduce the *Means* of the Execution: And that done, to reſerve themſelves at liberty for a Reply, after they had before them, as it were, a Model of the *Enterpriſe*. *This grave and ſolid Advertiſement, and Caution of* Martius, *was much commended by them all*; *Whereupon* Eupolis *ſaid*. *Eupolis*. Since *Martius* hath begun to refine that, which was yeſternight reſolved; I may the better have leave, (eſpecially in the mending of a Propoſition, which was mine own,) to remember an Omiſſion, which is more than a miſplacing. For I doubt, we ought to have added, or inſerted into the point of *Lawfulneſs*, the Queſtion; How far an *Holy War* is to be purſued, whether to Diſplanting, and Extermination of *People?* And again, whether to enforce a new Belief, and to vindicate, or puniſh Infidelity; Or only to ſubject the Countries and People; And ſo, by the Temporal Sword, to open a Door, for the Spiritual Sword to enter, by Perſwaſion, Inſtruction, and ſuch Means, as are proper for Souls and Conſciences? But it may be, neither is this neceſſary, to be made a Part by it ſelf; For that *Zebedæus*, in his wiſdom will fall into it, as an incident to the Point of *Lawfulneſs*, which cannot be handled without Limitations, and Diſtinctions. *Zebedæus*. You encourage me, (*Eupolis*,) in that I perceive, how in your Judgment, (which I do ſo much eſteem,) I ought to take that Courſe, which of my ſelf I was purpoſed

poſed to do. For as *Martius* noted well, that it is but a looſe thing, to ſpeak of *Poſſibilities*, without the particular *Deſigns*; So is it, to ſpeak of *Lawfulneſs*, without the particular *Caſes*. I will therefore, firſt of all, diſtinguiſh the *Caſes*; Though you ſhall give me leave in the handling of them, not to ſever them, with too much Preciſeneſs: For both it would cauſe needleſs Length; And we are not now in *Arts*, or *Methods*, but in a *Conference*. It is therefore, firſt to be put to Queſtion in general, (as *Eupolis* propounded it,) whether it be *lawful* for Chriſtian Princes, or States, to make an *Invaſive War*, only and ſimply, for the *Propagation* of the *Faith*, without other Cauſe of Hoſtility, or Circumſtance, that may provoke and induce the *War*? Secondly, whether it being made part of the Caſe, that the Countries were once *Chriſtian*, and Members of the *Church*, and where the *Golden Candleſticks* did ſtand, though now they be utterly alienated, and no *Chriſtians* left; it be not lawful to make a *War*, to reſtore them to the *Church*, as an ancient Patrimony of *Chriſt*? Thirdly, if it be made a further part of the Caſe, that there are yet remaining in the Countries, multitudes of *Chriſtians*, whether it be not *lawful* to make a *War*, to free them, and deliver them, from the ſervitude of the *Infidels*? Fourthly, whether it be not *Lawful* to make a *War*, for the Purging, and Recovery of Conſecrate Places, being now polluted, and Prophaned; As the *Holy City*, and *Sepulchre*, and ſuch other places of principal Adoration, and Devotion? Fifthly, whether it be not *Lawful*, to make a *War*, for the Revenge, or Vindication of Blaſphemies, and Reproaches, againſt the *Deity*, and our *Bleſſed Saviour*; Or for the Effuſion of *Chriſtian Blood*, and Cruelties againſt *Chriſtians*, though ancient, and long ſince paſt; Conſidering that *Gods* Viſits, are without limitation of Time; And many times, do but expect the fullneſs of the Sin? Sixthly, it is to be conſidered, (as *Eupolis* now laſt well remembred,) whether a *Holy War*, (which, as in the Worthineſs of the Quarrel, ſo in the Juſtneſs of the Proſecution, ought to exceed all Temporal *Wars*,) may be purſued, either to the Expulſion of People, or the Enforcement of Conſciences, or the like Extremities; Or how to be moderated, and limited; Leſt whilſt we remember we are *Chriſtians*, we forget that others are Men; But there is a *Point*, that precedeth all theſe Points recited; Nay, and in a manner diſchargeth them, in the particular of a *War* againſt the *Turk*: which *Point*, I think, would not have come into my thought, but that *Martius* giving us yeſterday, a Repreſentation of the *Empire* of the *Turks*, with no ſmall vigour of words, (which you (*Pollio*) called an Invective, but was indeed a true Charge,) did put me in mind of it: And the more I think upon it, the more I ſettle in Opinion; That a *War*, to ſuppreſs that *Empire*, though we ſet aſide the Cauſe of *Religion*, were a juſt *War*. *After* Zebedæus *had ſaid this, he made a Pauſe, to ſee whether any of the reſt would ſay any thing: But when he perceived nothing, but Silence, and Signs of Attention, to that he would further ſay, he proceeded thus.*

Zebedæus. Your Lordſhips will not look for a *Treatiſe* from me, but

but a Speech of *Conſultation*; And in that Brevity and Manner, will I ſpeak. Firſt, I ſhall agree, that as the *Cauſe* of a *War* ought to be Juſt; So the *Juſtice* of that *Cauſe* ought to be Evident: Not Obſcure, not Scrupulous. For by the conſent of all Laws, in Capital Cauſes, the Evidence muſt be full and clear: And if ſo, where one Mans life is in Queſtion, what ſay we to a *War*, which is ever the Sentence of Death upon many? We muſt beware therefore, how we make a *Moloch*, or an *Heathen Idol*, of our *Bleſſed Saviour*, in ſacrificing the Blood of Men to him, by an unjuſt *War*. The *Juſtice* of every *Action*, conſiſteth in the *Merits* of the *Cauſe*, the *Warrant* of the *Juriſdiction*, and the *Form* of the *Proſecution*. As for the *Inward Intention*, I leave it, to the *Court* of *Heaven*. Of theſe things ſeverally, as they may have Relation to the preſent ſubject of a *War* againſt *Infidels*; And namely, againſt the moſt Potent, and moſt Dangerous Enemy of the *Faith*, the *Turk*. I hold, and I doubt not, but I ſhall make it plain, (as far as a Sum, or Breef can make a Cauſe plain,) that a *War* againſt the *Turk*, is *Lawful*, both by the *Laws* of *Nature*, and *Nations*; And by the *Law Divine*, which is the Perfection of the other two. As for the *Laws Poſitive*, and *Civil* of the *Romans*, or other whatſoever, they are too ſmall Engins, to move the Weight of this Queſtion. And therefore, in my judgment, many of the late *Schoolmen*, (though excellent Men,) take not the right way in diſputing this Queſtion; Except they had the gift of *Navius*, that they could *Cotem novaculâ ſcindere*; *Hew Stones with Pen-knives.* Firſt, for the *Law* of *Nature*. The Philoſopher *Ariſtotle* is no ill Interpreter thereof. He hath ſet many Men on work, with a witty ſpeech of *Naturâ Dominus*, and *Naturâ Servus*; Affirming expreſly, and poſitively; *That from the very Nativity, ſome things are born to Rule, and ſome things to Obey.* Which Oracle hath been taken in divers ſenſes. Some have taken it, for a Speech of Oſtentation, to entitle the *Grecians* to an *Empire* over the *Barbarians*; Which indeed was better maintained by his Scholar *Alexander*. Some have taken it, for a Speculative Platform, that Reaſon and Nature would, that the beſt ſhould govern; But, not in any wiſe to create a Right. But for my part, I take it neither for a brag, nor for a wiſh; but for a Truth, as he limiteth it. For he ſaith, That if there can be found, ſuch an Inequality between Man and Man, as there is between Man and Beaſt, or between Soul and Body, it inveſteth a Right of Government; Which ſeemeth rather an Impoſſible Caſe, than an untrue Sentence. But I hold both the *Judgment* true, and the *Caſe* poſſible; And ſuch as hath had, and hath a Being, both in particular Men, and Nations. But ere we go further, let us confine Ambiguities, and Miſtakings, that they trouble us not. Firſt, to ſay, that the more Capable, or the better Deſerver, hath ſuch Right to Govern, as he may compulſorily bring under the leſs Worthy, is Idle. Men will never agree upon it, who is the more Worthy. For it is not only in order of Nature, for him to govern, that is the more Intelligent, as *Ariſtotle* would have it; But there is no leſs required for Government, Courage to protect; and,

above all, Honeſty, and Probity of the Will, to abſtain from Injury. So Fitneſs to govern, is a perplexed Buſineſs. Some Men, ſome Nations, excel in the one ability, ſome in the other. Therefore the Poſition, which I intend, is not in the *Comparative*, that the Wiſer, or the Stouter, or the juſter Nation ſhould govern; But in the *Privative*, that where there is an heap of People (though we term it a Kingdom, or State,) that is altogether unable, or indign to govern; There it is a juſt Cauſe of *War*, for another Nation, that is Civil, or Polliced, to ſubdue them: And this, though it were to be done, by a *Cyrus*, or a *Cæſar*, that were no Chriſtian. The ſecond miſtaking, to be baniſhed, is; That I underſtand not this of a *Perſonal Tyranny*, as was the State of *Rome*, under a *Caligula*, or a *Nero*, or a *Commodus*; Shall the Nation ſuffer for that wherein they ſuffer? But when the Conſtitution of the State, and the fundamental Cuſtoms, and *Laws* of the ſame, (if *Laws* they may be called,) are againſt the *Laws* of Nature, and Nations, then I ſay, a *War* upon them is lawful. I ſhall divide the Queſtion into three parts. Firſt, whether there be, or may be, any *Nation*, or *Society* of *Men*, againſt whom it is lawful to make a *War*, without a *Precedent Injury*, or *Provocation?* Secondly, what are thoſe *Breaches* of the *Law* of *Nature*, and *Nations*, which do forfeit, and deveſt, all Right, and Title, in a Nation to govern? And thirdly, whether thoſe *Breaches* of the *Law* of *Nature*, and *Nations*, be *found* in any *Nation*, at this day; And namely in the *Empire* of the *Ottomans?* For the firſt, I hold it clear, that ſuch Nations, or States, or Societies of People, there may be, and are. There cannot be a better ground laid, to declare this, than to look into the Original Donation of Government. Obſerve it well; Eſpecially the *Inducement*, or *Preface*. Saith *God: Let us make man after our own Image, and let him have dominion, over the Fiſhes of the Sea, and the Fowls of the Air, and the Beaſts of the Land, &c.* Hereupon *De Victoria*, and with him ſome others, infer excellently, and extract, a moſt true, and divine Aphoriſm; *Non fundatur Dominium, niſi in Imagine Dei.* Here we have the *Charter* of Foundation: It is now the more eaſie to judg of the *Forfeiture*, or *Reſeiſure*. Deface the *Image*, and you deveſt the *Right*. But what is this *Image*, and how is it defaced? The *Poor Men* of *Lyons*, and ſome Fanatical Spirits will tell you, that the *Image* of *God*, is *Purity*; And the *Defacement Sin*. But this ſubverteth all Government: Neither did *Adams* Sin, or the Curſe upon it, deprive him of his Rule, but left the Creatures, to a Rebellion, or Reluctation. And therefore, if you note it attentively, when this *Charter* was renewed unto *Noah*, and his *Sons*, it is not by the words, *You ſhall have Dominion:* But, *Your Fear ſhall be upon all the Beaſts of the Land, and the Birds of the Air, and all that moveth*; Not re-granting the Soveraignty, which ſtood firm; But protecting it againſt the Reluctation. The ſound Interpreters therefore, expound this *Image* of *God*, of *Natural Reaſon*; Which if it be totally, or moſtly defaced, the *Right* of *Government* doth ceaſe: And if you mark all the Interpreters well, ſtill they doubt of the *Caſe*, and not of the *Law*.

Law. But this is properly to be ſpoken to, in handling the ſecond *Point*, when we ſhall define of the *Defacements*. To go on. The *Prophet Hoſea*, in the Perſon of *God*, ſaith of the *Jews*; *They have reigned, but not by me*; *They have ſet a Signory over themſelves, but I knew nothing of it.* Which place proveth plainly, that there are *Governments*, which *God* doth not avow. For though they be ordained by his ſecret Providence, yet they are not knowledged by his revealed Will: Neither can this be meant of evil Governours, or Tyrants: For they are often avowed, and ſtabliſhed, as lawful Potentates; But of ſome perverſneſs and defection, in the very Nation it ſelf; Which appeareth moſt manifeſtly, in that the *Prophet* ſpeaketh, of the *Signory* in *Abſtracto*, and not of the *Perſon* of the *Lord*. And although ſome *Heretick*s, of thoſe we ſpeak of, have abuſed this *Text*, yet the *Sun* is not ſoiled in Paſſage. And again, if any Man infer, upon the words of the *Prophets* following, (which declare this *Rejection*, and to uſe the words of the *Text*, *Reſciſion* of their *Eſtate*, to have been for their *Idolatry*,) that by this Reaſon, the *Governments* of all *Idolatrous Nations*, ſhould be alſo diſſolved, (which is manifeſtly untrue,) in my judgment it followeth not. For the *Idolatry* of the *Jews* then, and the *Idolatry* of the *Heathen* then and now, are Sins of a far differing Nature, in regard of the ſpecial Covenant, and the clear manifeſtations, wherein *God* did contract, and exhibit himſelf to that *Nation*. This *Nullity* of *Policy*, and *Right* of *Eſtate*, in ſome *Nations*, is yet more ſignificantly expreſſed, by *Moſes* in his *Canticle*: In the Perſon of *God* to the *Jews*: *Ye have incenſed me with Gods, that are no Gods, and I will incenſe you with a People, that are no People.* Such as were (no doubt) the *People* of *Canaan*, after *Seiſin* was given, of the *Land* of *Promiſe*, to the *Iſraelites*. For from that time, their Right to the *Land* was diſſolved, though they remained in many Places unconquered. By this we may ſee, that there are *Nations* in *Name*, that are no *Nations* in Right, but multitudes only, and ſwarms of People. For like as there are *Particular Perſons*, utlawed, and proſcribed by civil Laws, of ſeveral Countries; So are there *Nations*, that are utlawed, and proſcribed, by the Law of Nature, and Nations; Or by the immediate Commandment of God. And as there are *Kings de Facto*, and not *de Jure*, in reſpect of the Nullity of their Title; So are there *Nations*, that are Occupants *de Facto*, and not *de Jure*, of their Territories, in reſpect of the Nullity, of their Policy, or Government. But let us take in ſome *Examples*, into the midſt of our *Proofs*; For they will prove as much as put after; And illuſtrate more. It was never doubted, but a *War* upon *Pyrates*, may be lawfully made, by any Nation, though not infeſted, or violated by them. Is it becauſe, they have not *Certas Sedes*, or *Lares*? In the *Pyratical War*, which was atchieved by *Pompey* the *Great*, and was his trueſt, and greateſt glory; the *Pyrates* had ſome Cities, ſundry Ports, and a great part of the Province of *Cilicia*; And the *Pyrates* now being have a Receptacle, and Manſion in *Algiers*. Beaſts are not the leſs Savage; becauſe they have Dens. Is it becauſe the danger hovers,

hovers, as a Cloud, that a Man cannot tell, where it will fall; And ſo it is every Mans Caſe. The Reaſon is good; But it is not all, nor that which is moſt alledged. For the true received Reaſon is, that *Pyrates* are *Communes Humani Generis Hoſtes*; Whom all Nations are to proſecute, not ſo much in the Right of their own Fears, as upon the Band of Humane Society. For as there are formal and written Leagues, Reſpective to certain Enemies; So is there a Natural, and Tacite Confederation, amongſt all Men, againſt the common Enemy of Humane Society. So as there needs no Intimation, or Denunciation of the *War*; There needs no Requeſt from the *Nation* grieved; But all theſe Formalities, the Law of Nature ſupplies, in the Caſe of *Pyrates*. The ſame is the Caſe of *Rovers* by *Land*; Such as yet are ſome *Cantons* in *Arabia*; And ſome petty *Kings* of the *Mountains*, adjacent to *Streights*, and *Ways*. Neither is it lawful, only for the *Neighbour Princes*, to deſtroy ſuch *Pyrates*, or *Rovers*; But if there were any *Nation*, never ſo far off, that would make it an *Enterpriſe* of Merit, and true Glory, (as the *Romans*, that made a *War* for the Liberty of *Grecia*, from a diſtant and remote part,) no doubt they might do it. I make the ſame Judgment, of that *Kingdom* of the *Aſſaſins*, now deſtroyed, which was ſituate upon the Borders of *Saracen*. And was, for a time, a great Terrour to all the *Princes* of the *Levant*. There the Cuſtom was, that upon the Commandment of their *King*, and a blind Obedience to be given thereunto, any of them was to undertake, in the nature of a Votary, the inſidious Murther of any *Prince*, or *Perſon*, upon whom the Commandment went. This Cuſtom, without all queſtion, made their whole *Government* void, as an Engine built againſt *Humane Society*, worthy by all Men to be fired, and pulled down. I ſay the like, of the *Anabaptiſts* of *Munſter*; And this, although they had not been *Rebels* to the *Empire*: And put Caſe likewiſe, that they had done no Miſchief at all actually: yet if there ſhall be a Congregation, and conſent of People, that ſhall hold all things to be lawful; Not according to any certain Laws, or Rules, but according to the ſecret, and variable Motions, and Inſtincts of the Spirit; This is indeed no *Nation*, no *People*, no *Signory*, that *God* doth know: Any Nation, that is Civil, and Polliced, may (if they will not be reduced,) cut them off, from the Face of the Earth. Now let me put a feigned Caſe, (And yet Antiquity makes it doubtful, whether it were Fiction, or Hiſtory,) of a *Land* of *Amazons*, where the whole *Government*, publick and private, yea the *Militia* it Self, was in the hands of *Women*. I demand, is not ſuch a Prepoſterous *Government*, (againſt the firſt Order of Nature, for *Women* to rule over *Men*,) in it ſelf void, and to be ſuppreſſed? I ſpeak not of the *Reign of Women*; (For that is ſupplied by Counſel, and ſubordinate Magiſtrates Maſculine;) But where the *Regiment* of State, Juſtice, Families, is all managed by *Women*. And yet this laſt *Caſe*, differeth from the other before: Becauſe in the reſt there is Terrour of Danger, but in this there is only Errour of Nature. Neither ſhould I make any great difficulty, to affirm the ſame, of the *Sultanry* of the *Mamaluches*;

Mamaluches; where *Slaves*, and none but *Slaves*, bought for Money, and of unknown Deſcent, reigned over Families of *Free-men*. And much like were the Caſe, if you ſuppoſe a *Nation*, where the Cuſtom were, that after full Age, the *Sons* ſhould Expulſe their *Fathers*, and *Mothers*, out of their Poſſeſſions, and put them to their Penſions: For theſe Caſes, of *Women* to govern *Men*, *Sons* the *Fathers*, *Slaves Free-Men*, are much in the ſame degree; All being total Violations and Perverſions of the Laws of Nature, and Nations. For the *Weſt-Indies*, I perceive (*Martius*) you have read *Garcilazzo de Viega*, who himſelf was deſcended of the race of the *Incaes*, a *Meſtizo*, and is willing to make the beſt, of the Vertues and Manners of his *Country*. And yet, in troth, he doth it ſoberly, and credibly enough. Yet you ſhall hardly edifie me, that thoſe *Nations* might not, by the *Law* of *Nature*, have been ſubdued by any *Nation*, that had only Policy, and Moral Vertue; Though the *Propagation* of the *Faith*, (whereof we ſhall ſpeak in the proper place,) were ſet by, and not made part of the *Caſe*. Surely, their *Nakedneſs*, (being with them, in moſt parts of that Country, without all Vail or Covering,) was a great Defacement: For in the acknowledgment of *Nakedneſs*, was the firſt Senſe of Sin: And the *Hereſie* of the *Adamites*, was ever accounted an affront of Nature. But upon theſe I ſtand not: Nor yet upon their *Idiocy*, in thinking that *Horſes* did eat their Bitts, and *Letters* ſpeak, and the like. Nor yet upon their *Sorceries*, which are (almoſt) common to all *Idolatrous Nations*. But, I ſay, their *Sacrificing*, and, more eſpecially, their *Eating* of *Men*, is ſuch an Abomination, as (methinks) a Mans Face ſhould be a little confuſed, to deny, that this Cuſtom joyned with the reſt, did not make it lawful, for the *Spaniards* to invade their Territory, forfeited by the Law of Nature; And either to reduce them, or diſplant them. But far be it from me, yet nevertheleſs to juſtifie the *Cruelties*, which were at firſt uſed towards them; which had their reward ſoon after; There being not one of the Principal, of the firſt *Conquerors*, but died a violent Death himſelf; And was well followed by the Deaths of many more. Of *Examples* enough: Except we ſhould add the *Labours* of *Hercules*: An *Example*, which though it be flouriſhed with much Fabulous Matter, yet ſo much it hath, that it doth notably ſet forth, the conſent of all Nations, and Ages, in the approbation of the extirpating, and debellating of *Gyants*, *Monſters*, and *Foren Tyrants*, not only as lawful, but as Meritorious, even of *Divine* Honour. And this, although the *Deliverer* came, from the one End of the *World*, unto the other. Let us now ſet down ſome *Arguments*, to prove the ſame; Regarding rather Weight, than Number, as in ſuch a *Conference* as this is fit. The firſt *Argument* ſhall be this. It is a great Errour, and a narrowneſs, or ſtraightneſs of Mind, if any Man think, that Nations have nothing to do one with another, except there be, either an Union in Soveraignty, or a Conjunction in Pacts or Leagues. There are other *Bands* of *Society*, and implicite *Confederations*. That of *Colonies*, or *Tranſmigrants*, towards their *Mother Nation*. *Gentes unius labii* is ſomewhat; For as the *Confu-*

ſion of *Tongues*, was a mark of Separation, ſo the *Being* of *one Language*, is a mark of Union. To have the ſame *Fundamental Laws*, and *Cuſtoms*, in chief, is yet more; As it was between the *Grecians*, in reſpect of the *Barbarians*. To be of one *Sect*, or *Worſhip*; If it be a *Falſe Worſhip*, I ſpeak not of it, for that is but *Fratres in Malo*. But above all theſe, there is the Supream, and Indiſſoluble *Conſanguinity*, and *Society*, between *Men* in general: Of which the *Heathen Poet*, (whom the *Apoſtle* calls to witneſs,) ſaith; *We are all his Generation*. But much more, we *Chriſtians*, unto whom it is revealed in particularity, that all *Men* came from one *Lump* of *Earth*; And that two ſingular *Perſons*, were the *Parents*, from whom all the *Generations* of the *World* are deſcended. We (I ſay) ought to acknowledge, that no *Nations*, are wholly Aliens, and Strangers, the one to the other: And not to be leſs charitable, than the perſon introduced by the *Comick Poet*; *Homoſum, Humani nihil à me alienum puto*. Now if there be ſuch a *Tacite League*, or *Confederation*, ſure it is not idle; It is againſt ſomewhat, or ſome Body: Who ſhould they be? Is it againſt *Wild Beaſts?* Or the *Elements*, of *Fire*, and *Water?* No, it is againſt ſuch *Routs*, and *Sholes* of *People*, as have utterly degenerate, from the *Laws* of *Nature*; As have, in their very Body, and frame of Eſtate, a *Monſtroſity*; And may be truly accounted, (according to the *Examples* we have formerly recited,) *Common Enemies*, and *Grievances* of *Mankind*; Or *Diſgraces*, and *Reproaches to Humane Nature*. Such People, all Nations are intereſſed, and ought to be reſenting, to ſuppreſs; Conſidering that the *Particular States* themſelves, being the *Delinquents*, can give no redreſs. And this I ſay, is not to be meaſured ſo much, by the *Principles* of *Juriſts*, as by *Lex Charitatis*; *Lex proximi*, which includes the *Samaritan*, as well as the *Levite*; *Lex Filiorum Adæ de Maſſâ unâ*: Upon which *Original Laws*, this Opinion is grounded: Which to deny, (if a man may ſpeak freely,) were almoſt to be a *Schiſmatick* in *Nature*.

The reſt was not perfected.

AN

AN

OFFER

To our Late Sovereign *KING*

JAMES,

OF A

DIGEST

To be made of the *LAWS* of *ENGLAND.*



LONDON,

Printed by *J. M.* for *Humphrey Robinson*, and Sold by *William Lee*, 1670.

TO THE

KING;

OF A

DIGEST

To be made of the *LAWS* of *ENGLAND.*

Most Excellent Soveraign,

AMongst the Degrees and Acts of Soveraign, or rather Heroical Honour, the First, or Second, is the Person, and Merit, of a *Law-giver. Princes* that govern well, are *Fathers* of the *People.* "But if a *Father* breed "his Son well, or allow him well, while he liveth, but "leave him nothing at his Death; whereby both he, and his Chil- "dren, and his Childrens Children may be the better; Surely the care "and Piety of a *Father*, is not in him compleat. So *Kings*, if they make a Portion of an Age happy by their good Government, yet if they do not make *Testaments*, (as *God Almighty* doth,) whereby a Perpetuity of Good may descend to their Country, they are but Mortal and Transitory Benefactors. *Domitian*, a few days before he died, dream't, that a *Golden Head did rise upon the nape of his Neck.* Which was truly performed in the *Golden Age*, that followed his times, for five Successions. But *Kings*, by giving their Subjects good *Laws*, may (if they will) in their own time, joyn and graft this Golden Head, upon their own Necks, after their Death. Nay they may make *Nabuchadonozors Image of Monarchy, golden from Head to Foot.* And if any of the Meaner sort of *Politiques*, that are sighted only to see the worst of things, think; That *Laws* are but

Cobwebs, and that good *Princes* will do well without them, and bad will not ſtand much upon them; The Diſcourſe is neither good, nor wiſe. For certain it is, that good *Laws*, are ſome bridle to bad *Princes*; And as a very *Wall about Government*. And if Tyrants (ſometime) make a breach into them, yet they mollifie even Tyranny it ſelf; As *Solons Laws* did the *Tyranny* of *Piſiſtratus*: And then (commonly) they get up again, upon the firſt Advantage of better times. Other means to perpetuate the Memory, and Merits of *Soveraign Princes*, are inferiour to this. *Buildings* of *Temples*, *Tombs*, *Palaces*, *Theaters*, and the like, are honourable things, and look big upon Poſterity. But *Conſtantine* the *Great* gave the Name well to thoſe works, when he uſed to call *Trajan*, that was a great *Builder*, *Parietaria*, *Wall-Flower*; Becauſe his *Name* was upon ſo many *Walls*. So if that be the Matter, that a *King* would turn *Wall-flower*, or *Pellitory* of the *Wall*, with coſt he may. *Adrian*'s vein was better; For his mind was to wreſtle a fall with Time; And being a great Progreſſour through all the *Roman Empire*, when ever he found any *Decaies* of Bridges, or High-ways, or Cuts of Rivers and Sewers, or Walls, or Banks, or the like, he gave ſubſtantial order, for their repair with the better. He gave alſo Multitudes of *Charters*, and *Liberties*, for the comfort of Corporations, and Companies in decay. So that his Bounty did ſtrive with the *Ruines* of *Time*. But yet this, though it were an excellent Diſpoſition, went but (in effect) to the Caſes and Shells of a *Common-wealth*. It was nothing to Vertue or Vice. A bad Man might indifferently take the benefit and eaſe of his Waies and Bridges, as well as a good; And bad People might purchaſe good *Charters*. Surely, the better Works of Perpetuity in *Princes*, are thoſe, that *waſh the in-ſide of the Cup*. Such as are *Foundations* of *Colledges*, and *Lectures*, for Learning and Education of youth; Likewiſe *Foundations* and *Inſtitutions* of *Orders* and *Fraternities*, for Nobleneſs, Enterpriſe, and Obedience, and the like. But yet theſe alſo, are but like Plantations, of Orchards, and Gardens, in Plots and Spots of Ground, here and there; They do not till over the whole *Kingdom*, and make it fruitful, as doth the Eſtabliſhing of good *Laws* and *Ordinances*; Which makes a whole *Nation*, to be as a well ordered *Colledg*, or *Foundation*.

This kind of Work, in the memory of Times, is rare enough to ſhew it Excellent; And yet not ſo rare, as to make it ſuſpected, for Impoſſible, Inconvenient, or Unſafe. *Moſes*, that gave *Laws* to the *Hebrews*, becauſe he was the Scribe of *God* himſelf, is fitter to be named for honours ſake to other *Law-Givers*, than to be numbred or ranked amongſt them. *Minos*, *Lycurgus*, and *Solon*, are Examples for Themes of Grammar Scholars. For ancient Perſonages, and Characters, now adays, uſe to wax Children again; Though that *Parable* of *Pindarus* be true; *The beſt thing is Water*. For Common and Trivial Things are (many times) the beſt; And rather deſpiſed upon Pride, becauſe they are vulgar, than upon Cauſe, or Uſe. Certain it is, that the *Laws* of thoſe three *Law-Givers*, had great *Prerogatives*. The firſt, of *Fame*; Becauſe they were the Pattern

Pattern amongſt the *Grecians*. The ſecond, of *Laſting*; For they continued longeſt without alteration. The third, of a *Spirit* of *Reviver*; To be often oppreſſed, and often reſtored.

Amongſt the ſeven *Kings* of *Rome*, four were *Law-Givers*. For it is moſt true, that a *Diſcourſer* of *Italy* ſaith: *There was never State, ſo well ſwadled in the Infancy, as the Roman was, by the vertue of their firſt Kings:* Which was a principal Cauſe of the wonderful growth of that *State*, in after times.

The *Decemvirs Laws*, were *Laws* upon *Laws*, not the Original; For they grafted *Laws* of *Grecia*, upon *Roman* Stock, of *Laws*, and *Cuſtoms*. But ſuch was their ſucceſs, as the *Twelve Tables*, which they compiled, were the main Body of the *Laws*, which framed and weilded the great Body of that *Eſtate*. Theſe laſted a long time, with ſome *Supplementals*, and the *Pretorian Edicts in Albo*; Which were in reſpect of *Laws*, as Writing *Tables* in reſpect of Braſs; The one to be put in and out, as the other is permanent. *Lucius Cornelius Sylla* reformed the *Laws* of *Rome*. For that Man had three Singularities, which never *Tyrant* had, but he. That he was a *Law-Giver*; That he took part with the Nobility; And, That he turned Private Man, not upon Fear, but upon Confidence.

Cæſar long after deſired to imitate him only in the Firſt; For otherwiſe he relied upon new Men: And for reſigning his Power, *Seneca* deſcribeth him right: *Cæſar gladium citò condidit, nunquam poſuit. Cæſar ſoon ſheathed his Sword, but never put it off.* And himſelf took it upon him, ſaying in ſcorn of *Sylla*'s Reſignation. *Sylla neſcivit literas, dictare non potuit. Sylla knew no letters, he could not dictate.* But for the part of a *Law-Giver*, *Cicero* giveth him the Attribute. *Cæſar, ſi ab eo quæreretur, quid egiſſet in Togâ; leges ſe reſpondiſſet, multas & præclaras tuliſſe. If you had asked* Cæſar, *what he did in the Gown, he would have anſwered, that he made many excellent Laws.* His Nephew *Auguſtus* did tread the ſame ſteps, but with deeper print, becauſe of his long Reign in peace; Whereof one of the *Poets* of his time ſaith;

Pace datâ terris, animum ad Civilia vertit:
Jura ſuum, legeſq; tulit juſtiſſimus Author.

From that time, there was ſuch a Race of Wit and Authority, between the *Commentaries* and *Deciſions* of the *Lawyers*, and the *Edicts* of the *Emperours*, as both *Laws* and *Lawyers* were out of breath. Whereupon *Juſtinian* in the end recompiled both; And made a Body of *Laws*, ſuch as might be weilded; which himſelf calleth glorioufly, and yet not above truth; *The Edifice or Structure of a ſacred Temple of Juſtice*; Built indeed, out of the former *Ruines* of Books, as Materials, and ſome *Novel Conſtitutions* of his own.

In *Athens* they had *Sexviri*, (as *Æſchines* obſerveth,) which were ſtanding *Commiſſioners*; Who did watch to diſcern, what laws waxed unproper for the Times, and what new *Law* did in any branch

branch croſs a former *Law*, and ſo *Ex officio* propounded their Repeal.

King Edgar collected the *Laws* of this *Kingdom*, and gave them the ſtrength of a Faggot bound, which formerly were diſperſed: Which was more glory to him, then his Sailing about this Iſland, with a potent Fleet. For that was, as the *Scripture* ſaith, *Via navis in mari*; *The way of a Ship in the Sea*; It vaniſhed; but this laſteth. *Alphonſo* the *Wiſe*, (the ninth of that Name,) *King* of *Caſtile*, compiled the *Digeſt* of the *Laws* of *Spain*, Intituled the *Siete Partidas*; An excellent Work, which he finiſhed in ſeven years. And as *Tacitus* noteth well; That the *Capitol*, though built in the beginings of *Rome*, yet was fit for the great *Monarchy* that came after; So that *Building* of *Laws* ſufficeth the Greatneſs of the *Empire* of *Spain*, which ſince hath enſued.

Lewis the eleventh had it in his mind, (though he performed it not,) to have made one conſtant *Law* of *France*; Extracted out of the *Civil Roman Law*, and the *Cuſtoms* of *Provinces* which are various, and the *Kings Edicts* which with the *French* are *Statutes*. Surely he might have done well, if, like as he brought the *Crown*, (as he ſaid himſelf,) from *Page*; So he had brought his *People* from *Lacquay*; Not to run up and down for their *Laws*, to the *Civil Law*, and the Ordinances, and the Cuſtoms, and the Diſcretions of Courts, and diſcourſes of Philoſophers, as they uſe to do.

King Henry the Eighth, in the twenty ſeventh year of his Reign, was authorized by *Parliament*, to nominate 32 Commiſſioners, part Eccleſiaſtical, and part Temporal; To purge the *Canon Law*, and to make it agreeable to the *Law* of *God*, and the *Law* of the *Land*. But it took not effect. "For the Acts of that *King* were (commonly) "rather Proffers, and Fames, than either well grounded, or well "purſued. But I doubt, I erre in producing ſo many examples. For as *Cicero* ſaid to *Cæſar*, ſo may I ſay to your Majeſty; *Nil vulgare te dignum videri poſſit*. Though indeed this well underſtood is far from *Vulgar*. For that the *Laws* of the moſt *Kingdoms* and *States*, have been like Buildings of many pieces, and patched up, from time to time, according to occaſions, without Frame, or Model.

Now for the *Laws* of *England*, (if I ſhall ſpeak my Opinion of them, without partiality, either to my Profeſſion, or Country,) for the Matter and Nature of them, I hold them Wiſe, Juſt, and Moderate *Laws*: They give to *God*, they give to *Cæſar*, they give to the *Subject*, what appertaineth. It is true, they are as mixt, as our *Language*, compounded of *Britiſh*, *Roman*, *Saxon*, *Daniſh*, *Norman Cuſtoms*. And ſurely, as our *Language* is thereby ſo much the richer; So our *Laws* are likewiſe by that Mixture, the more compleat.

Neither doth this attribute leſs to them, than thoſe that would have them to have ſtood out the ſame in all Mutations. For no Tree is ſo good firſt ſet, as by tranſplanting, and Grafting. I remember what happened to *Calliſthenes*, that followed *Alexanders* Court, and was grown into ſome diſpleaſure with him, becauſe he could not well brook the *Perſian Adoration*. At a Supper, (which with the *Grecians*

Grecians was a great part Talk,) he was desired, (the *King* being present,) because he was an Eloquent Man, to speak of some Theme; Which he did; And chose for his Theme the praise of the *Macedonian Nation*; Which though it were but a filling Thing, to praise Men to their Faces, yet he performed it with such advantage of Truth, and avoidance of Flattery, and with such Life, as was much applauded by the Hearers. The *King* was the less pleased with it, not loving the Man, and by way of discountenance, said: *It was easie to be a good Orator in a pleasing Theme*; But saith he to him; *Turn your stile*; *And tell us now of our faults, that we may have the profit, and not you the praise only:* Which he presently did, with such Quickness, that *Alexander* said; *That Malice made him Eloquent then, as the Theme had done before.* I shall not fall into either of these extreams, in this subject, of the *Laws* of *England*. I have commended them before for the *Matter*, but surely they ask much amendment for the *Form*; Which to reduce and perfect, I hold to be one of the greatest Dowries, that can be confer'd upon this Kingdom. Which Work, for the Excellency, as it is worthy your *Majesties* Act, and Times; So it hath some circumstance of Propriety agreeable to your *Person*. *God* hath blessed your *Majesty* with Posterity; And I am not of opinion, that *Kings* that are barren, are fittest to supply Perpetuity of Generations, by perpetuity of Noble Acts; But contrariwise, that they that leave Posterity, are the more interessed in the Care of Future Times; That as well their Progeny, as their People, may participate of their Merit.

Your *Majesty* is a great Master in Justice, and Judicature; And it were pity, the fruit of that your Vertue, should not be transmitted to the Ages to come. Your *Majesty* also reigneth in learned times, the more, (no doubt,) in regard of your own perfection in Learning, and your Patronage thereof. And it hath been the Mishap of *Works* of this Nature, that the less Learned Time, hath (sometimes) wrought upon the more Learned; Which now will not be so. As for my self, the *Law* was my Profession, to which I am a Debter: Some little helps I have of other Arts, which may give Form to Matter; And I have now, (by *Gods* merciful Chastisement, and by his special Providence,) time and leisure, to put my Talent, or half-Talent, or what it is, to such Exchanges, as may perhaps exceed the Interest of an Active Life. Therefore, as in the beginning of my Troubles, I made offer to your *Majesty* to take pains in the *Story* of *England*, and in compiling a *Method* and *Digest* of your *Laws*; So have I performed the first, (which rested but upon my self,) in some part; And I do, in all humbleness, renew the offer of this latter, (which will require Help and Assistance,) to your *Majesty*, if it shall stand with your good pleasure, to imploy my Service therein.

THE

HISTORY

OF THE

REIGN

OF

KING

Henry the Eighth.



LONDON,

Printed by *J. M.* for *Humphrey Robinſon*, and Sold by *William Lee*, 1670.

THE

HISTORY

OF THE

REIGN

OF

KING

Henry the Eighth.

AFter the Deceaſe of that Wiſe and Fortunate *King*, *Henry* the VII. who died in the Height of his Proſperity, there followed (as uſeth to do, when the Sun ſetteth ſo exceeding clear,) one of the faireſt Mornings of a *Kingdom*, that hath been known in this *Land*, or any where elſe. A young *King*, about 18 years of Age, for Stature, Strength, Making, and Beauty, one of the goodlieſt Perſons of his time: And though he were given to Pleaſure, yet he was likewiſe deſirous of Glory; So that there was a paſſage open in his Mind, by Glory, for Vertue. Neither was he un-adorned with Learning, though therein he came ſhort of his *Brother Arthur*. He had never any the leaſt Pique, Difference, or Jealouſie, with the *King* his *Father*, which might give any occaſion, of altering *Court*, or *Counſel* upon the change, but all things paſſed

in a Still. He was the firſt Heir of the *White*, and the *Red Roſe*; So that there was no diſcontented Party now left in the *Kingdom*, but all Mens Hearts turned towards him. And not only their Hearts, but their Eyes alſo. For he was the only Son of the *Kingdom*. He had no *Brother*, which though it be a comfortable thing, for *Kings* to have, yet it draweth the Subjects Eyes a little aſide. And yet being a married Man in thoſe young years, it promiſed hope of ſpeedy Iſſue, to ſucceed in the *Crown*. Neither was there any *Queen Mother*, who might ſhare any way in the Government, or claſh with his *Counſellours* for Authority, while the *King* intended his pleaſure. No ſuch thing, as any Great and Mighty *Subject*, who might any way eclipſe, or overſhade the *Imperial Power*. And for the people, and *State* in general, they were in ſuch lowneſs of obedience, as Subjects were like to yield, who had lived almoſt four and twenty years, under ſo politique a *King*, as his *Father*; Being alſo one who came partly in by the Sword; And had ſo high a Courage in all points of Regalitie; And was ever victorious in Rebellions, and Seditions of the *People*. The *Crown* extreamly rich, and full of Treaſure, and the *Kingdom* like to be ſo in ſhort time. For there was no War, no Dearth, no Stop of Trade, or Commerce, it was only the *Crown*, which had ſucked too hard, and now being full, and upon the head of a young *King*, was like to draw leſs. Laſtly, he was Inheriter of his Fathers Reputation, which was great throughout the World. He had ſtreight Alliance, with the two Neighbour States, an ancient Enemy in former times, and an ancient Friend, *Scotland*, and *Burgundy*. He had Peace and Amity with *France*, under the Aſſurance, not only of Treaty and League, but of Neceſſity and Inhability in the *French* to do him hurt, in reſpect that the *French Kings* Deſigns were wholly bent upon *Italy*. So that it may be truly ſaid; there had ſcarcely been ſeen, or known, in many Ages, ſuch a rare Concurrence of Signs, and Promiſes of a happy, and flouriſhing Reign to enſue, as were now met in this young *King*, called, after his *Fathers* name, *HENRY* the Eighth, *&c.*

FINIS.

THE NATURAL AND EXPERIMENTAL HISTORY OF WINDS, &c.

Written in Latine by the Right Honourable
FRANCIS Lord *Verulam*, Viſcount S^t *Alban.*

Tranſlated into Engliſh by *R. G.* Gent.



LONDON,
Printed for *Anne Moſeley*, and *Tho. Baſſet* at the *George* in *Fleet-ſtreet*, 1671.

TO THE

Moſt Illuſtrious,

AND

EXCELLENT PRINCE,

CHARLES,

Son and Heir to the High and Mighty

KING *JAMES.*



Humbly preſent unto your Highneſs the firſt fruits of our Natural Hiſtory; A thing exceeding little in quantity, like a grain of Muſtard-ſeed, but yet a pledg of thoſe things which God willing ſhall enſue. For we have bound our ſelves, as by a vow, every Month that God ſhall of his goodneſs pleaſe (whoſe glory it ſets forth as it were in a new Canticle or Song) to prolong our life, to ſet out one or more parts of it, according as their length and difficulty ſhall prove more or leſs. Others may peradventure (moved by our example) be moved to the like induſtry; eſpecially when they ſhall clearly perceive what is in hand. For in a Natural Hiſtory

which is good and well ſet out, are the Keys both of Sciences and works. God preſerve your Highneſs long in ſafety,

Your Highneſs humble and devoted

Servant

FRAN. St ALBAN.

THE

THE

NATURAL and EXPERIMENTAL HISTORY for the making up of Philosophy: Or Experiments of the Universe: Which is the third part of the *INSTAURATIO MAGNA.*

MEn are to be intreated, advised and adjured even by their Fortunes, to submit their minds, and seek for Knowledg in the greater World; and likewise to cast away so much as the thought of Philosophy, or at least to hope but for slender and small fruits thereof, until a diligent and approved Natural and Experimental History be acquired and made up: For what would these shallow brains of men, and these potent trifles have? There were among the Ancient numerous Opinions of Philosophers, as of *Pythagoras*, *Philolaus*, *Xenophanes*, *Heraclitus*, *Empedocles*, *Parmenides*, *Anaxagoras*, *Leucippus*, *Democritus*, *Plato*, *Aristotle*, *Theophrastus*, *Zeno*, and others. All these made up Arguments of Worlds, as of Fables, according to their own Fancies, and recited and published those Fables; whereof some indeed were more handsome and probable, and some again most harsh. But in our Ages, by means of Colledges and Schools Disciplines, wits are somewhat more restrained; yet have they not quite ceased: *Patricius*, *Telesius*, *Bruno*, *Severine* the Dane, *Gilbertus* an Englishman, and *Campanella* did set foot upon the Stage, and acted new Fables, neither much applauded, nor of any Elegant Argument or Subject. But do we wonder at these things? as though such Sects and Opinions, might not in an infinite number arise in all ages? For neither is there, nor ever will be any end or limit for these things. One snatches at one thing, another is pleased with another; there is no dry nor clear sight of any thing, every one plays the Philosopher out of the small Treasures of his own Fancy, as it were out of *Plato's* Cave; the more sublime wits more acutely, and with better success: the duller with less success but equal obstinacy: and not long since by the discipline of some learned (and as things go now excellent) men, Sciences are bounded within the limits of some certain Authors which they have set down, imposing them upon old men, and instilling them into young. So that now (as *Tullie* cavilled upon *Cæsars* Consulship) the star *Lyra* or *Harpe* riseth by an Edict, and Authority is taken for truth, not truth for Authority. Which kind of order, and discipline is very convenient for our present use; but banisheth those which are better. For we both suffer for, and emulate our first Parents sin. They desired to be like unto God, and their posterity much more: for we create new worlds, go before nature and command it. We must have

have all things to be ſo as may agree with our folly, not to Divine wiſdome, nor as they are found to be in themſelves: neither can I ſay which we reſt moſt, our wits, or the things themſelves: but certainly we ſet the ſtamps and ſeals of our own Images upon Gods Creatures and works, and never carefully look upon and acknowledg the Creators ſtamps. Therefore we do not without cauſe again ſtrive for the domination over the Creatures. For whereas even after the fall of man, he had ſome kind of domination left him over reluctant Creatures, that he might tame and ſubdue them by true and ſolid arts; we have for the moſt part loſt that alſo through our own inſolencie, becauſe we will be like unto God, and follow the dictates of our own reaſon. Wherefore if there be any humility towards the Creator, any reverence, and magnifying of his works, any charity in men, or care to releaſe them out of their neceſſities and miſeries, if there be any love of truth in natural things, hatred of darkneſs, and a deſire of purifying the underſtanding, men are to be again and again deſired, that caſting off, or at leaſt laying aſide for a while, theſe flying and prepoſterous Philoſophies, which have ſet the *Theſes* before the *Hypotheſes*, or ſuppoſitions before ſolid grounds, have captivated experience, and triumphed over the works of God, they would humbly and with a certain reverence draw near and turn over the great Volume of the Creatures, ſtop and meditate upon it: and being cleanſed and free from opinions, handle them choicely and entirely. This is the ſpeech and language that went out into all the ends of the World, and ſuffered not in the confuſion of *Babel*. Let men learn this, and becomming children again and Infants, not ſcorn to take A. B. C. thereof in hand, and in finding and ſearching out the interpretation of it, let them ſpare no labour, but let them perſiſt and go on, and even die in the queſt of it. Seeing therefore that in our Inſtauration we have placed the Natural Hiſtory (ſuch as it is in order to our ends) in the third part of the work: we have thought fit to prevent this thing, and fall upon it immediately. For although in our Organon, there are many things of eſpecial conſequence to be finiſhed, yet we think it fitting rather to promote or ſet forward the general work of Inſtauration in many things, then to perfect it in a few, always deſiring with extream fervency (ſuch as we are confident God puts in the minds of men) to have that which was never yet attempted, not to be now attempted in vain. Likewiſe there came this thought into my mind, namely, that there are queſtionleſs in *Europe* many capable, free, ſublimed, ſubtile, ſolid, conſtant wits; and what if any one endued with ſuch a wit, do betake himſelf to the uſe and manner of our Organon, and approve of it? yet hath he nothing to do nor knows not how to addreſs himſelf to, or fit himſelf for Philoſophy. If it were a thing which might be effected by reading of Philoſophy books, diſputation, or meditation; that man (whoſoever it be) might ſufficiently, and abundantly perform it: But if we remit him (as indeed we do) to Natural Hiſtory, and experiments of arts, he is gravelled or ſticks in the mire; it is not his intention, he hath no time, nor will not be at the charge: yet we muſt not deſire to have men caſt off old things, before they have gotten new. But after a copious, and faithful Hiſtory of Nature and Arts is gathered and digeſted, and as it were ſet, and laid open before mens eyes, there is no ſmall hope that ſuch great wits as we have before ſpoken of (ſuch as have been in ancient Philoſophers, and are at this day frequent enough) having been heretofore of ſuch efficacy, that they could out of corke or a little ſhell (namely by thin and frivilous experi-

ence)

ence)build certain little boats for Philoſophy,gallant enough for Art and ſtructure ; how much more gallant and ſolid ſtructures will they make, when they have found a whole wood, and ſtuff enough: and that,though they had rather go on in the old way,then make uſe of our Organons way which(in our opinion)is either the only,or the beſt way. So that the caſe ſtands thus: our *Organon* (though perfect)could not profit much without the Natural Hiſtory; but our Natural Hiſtory without the *Organon* might much advance Inſtauration,or renewing of Sciences. Wherefore we have thought it beſt and moſt adviſedly to fall upon this before any thing elſe. God the Maker. Preſerver, and Renewer of the Univerſe, guide and protect this Work,both in its aſcent to his own glory,and in its deſcent to the good of man, through his good-will towards man, by his only begotten Son God with us.

The

The Rule of this preſent Hiſtory.

THough we have ſet down towards the end of that part of our *Organon*, which is come forth, Precepts concerning the Natural and experimental Hiſtory: yet we have thought good to ſet down more exactly and briefly, the form and rule of this Hiſtory which we now take in hand. To the Titles comprehended in the Catalogue, which belong to the Concretes, we have added the Titles of the Abſtract Natures; of which, as of a reſerved Hiſtory, we made mention in the ſame place. Theſe are the various Figurations of the matter, or forms of the firſt Claſſis, ſimple Motions, ſums of Motions, meaſures of Motions, and ſome other things: of theſe we have made a new Alphabet, and placed it at the end of this Volume. We have taken Titles (being no way able to take them all) not according to order, but by choice: thoſe namely, the Inquiſition of which either for uſe was moſt of weight, or for abundance of Experiments moſt convenient, or for the obſcurity of the thing moſt difficult and noble, or by reaſon of the diſcrepancy of Titles among themſelves, moſt open to examples. In each Title, after a kind of an entrance or Preface, we preſently propound certain particular Topicks or Articles of Inquiſition, as well to give light to the preſent Inquiſition, as to encourage a future. For we are Maſters of Queſtions, but not of things; yet we do not in the Hiſtory preciſely obſerve the order of Queſtions, leaſt that which is for an aid and aſſiſtance ſhould prove a hinderance.

The Hiſtories and Experiments always hold the firſt place; and if they ſet forth any enumeration, and Series of particular things, they are made up in Tables, or if other wiſe, they are taken up ſeverally.

Seeing that Hiſtories and Experiments do oftentimes fail us, eſpecially thoſe which give light, and Inſtances of the Croſs, by which the underſtanding may be informed of the true cauſes of things, we give Precepts of new Experiments, as far as we can ſee them fitting in our mind, for that as is to be enquired: and theſe Precepts are deſigned like Hiſtories. For what other means is left to us, who are the firſt that come into this way? We unfold and make plain the manner of ſome Experiments that are more quaint and ſubtile, that there may be no error, and that we may ſtir up others to find out better and more exact ways. We enterweave Monitions and Cautions of the Fallacies of things, and of ſuch Errors, and Scruples, as may be found in the Inquiry, that all Fancies, and as it were Apparitions may be frighted away, as by an Exorciſme or ſpell.

We joyn thereunto our Obſervations upon Hiſtory and experiments, that the Interpretation of the Nature may be the readier.

We Interpoſe ſome Comments, or as it were Rudiments of the Interpretations of Cauſes, ſparingly, and rather ſuppoſing what may be, than poſitively defining what is.

We preſcribe and ſet down Rules, but moveable ones, and as it were inchoated Axiomes which offer themſelves unto us as we enquire, not as we deciſorily pronounce, for they are profitable, though not altogether true.

Never forgetting the profit of man-kind (though the light be more worthy than thoſe things which be ſhewen by it) we offer to mans attention and practiſe certain Eſſays of Practice, knowing that mens ſtupidity is ſuch, and ſo unhappy, that ſometimes they ſee not, and paſs over things which lye juſt in their way.

We ſet down works and things impoſſible, or at leaſt which are not yet found out, as they fall under each Title: and withal thoſe vvhich are already found out, and are in mens povver; and vve adde to thoſe impoſſible, and not yet found out things, ſuch as are next to them, and have moſt affinity vvith them, that vve may ſtir up, and vvithall incourage humane induſtry.

It appears by the foreſaid things, that this preſent Hiſtory doth not only ſupply the place of the third part of the Inſtauration, but alſo is a not deſpicable preparation to the fourth, by reaſon of the Titles out of the Alphabet and Topicks, and to the ſixth, by reaſon of the larger Obſervations, Commentations, and Rules.

The

The Titles of the Hiſtories and Inquiſitions deſtined for the firſt ſix Months.

THe Hiſtory of Winds.

The Hiſtory of Denſity, and Rarity; as likewiſe of Coition and Expanſion of matter by ſpaces.

The Hiſtory of Heavy and Light.

The Hiſtory of the Sympathy, and Antipathy of things.

The Hiſtory of Sulphur, Mercury, and Salt.

The Hiſtory of Life and Death.

In this Book are contained;

THe Natural and Experimental Hiſtory of Winds.

The Natural and Experimental Hiſtory of the form of Heat.

Of the ſeveral kinds of Motion, or of the Active vertue.

The way to find out the cauſes of the Ebbing and Flowing of the Sea.

The Entry into the Hiſtory of Winds.

THe Winds gave Wings to men; for by their aſſiſtance men are carried up through the Air and flye; not through the Air indeed, but upon the Sea; and a wide door is laid open to commerce, and the World is made previous. They are the beſomes which ſweep and make clean the earth, which is the ſeat and habitation of mankind, and they cleanſe both it and the air: But they make the Sea hurtful, which otherwiſe is harmleſs, neither are they ſome other ways alſo, free from doing hurt: They are without help of man able to ſtir up great and vehement motions, and like Hirelings ſerve both to ſail and grind, and would be uſeful for many other things, if humane care were not wanting, Their Natures are reckoned amongſt ſecret and hidden things. Neither is that to be wondred at, ſeeing the Nature and Power of the Air is unknown, whom the Winds do ſerve and flatter, as Eolus *doth* Juno *in the Poets. They are not primary Creatures, nor any of the ſix days works, no more than the reſt of the Meteors actually, but after born, by the order of the Creation.*

Parti-

PARTICULAR TOPICKS:

OR,

Articles of Inquiſition Concerning the Winds.

The Names of Winds.



Deſcribe or ſet down the Winds according to the Sea-mans induſtry; and give them Names either new or old, ſo that you keep your ſelf conſtant to them.

Winds are either general or preciſe, either peculiar, or free. I call them general which always blow; preciſe, thoſe which blow at certain times: Attendants or Peculiar, thoſe which blow moſt commonly: Free Winds, thoſe which blow indifferently, or at any time.

General Winds.

2. Whether there be any General Winds, which are the very ſelf motion of the Air; and if there be any ſuch, in order to what motion, and in what places they blow?

Preciſe, or fixed Winds.

3. What Winds are Aniverſary or yearly winds, returning by turns; and in what Countrys? Whether there be any Wind ſo preciſely fixed, that it returns regularly at certain days and hours, like unto the flowing of the Sea?

Attending or Peculiar Winds.

4. What Winds are peculiar, and ordinary in Countrys, which obſerve a certain time in the ſame Countrys; which are Spring winds, and which are Summer winds; which Autumnal, which Brumal, which Equinoctial, which Solſtitial; which are belonging to the Morning, which to Noon, which to the Evening, and which to the Night.

5. What winds are Sea winds, and what winds blow from the Continent? and mark and ſet down the differences of the Sea and Land winds carefully, as well of thoſe which blow at Land and Sea, as of thoſe which blow from Land and Sea.

Free Winds.

6. Whether winds do not blow from all parts of Heaven?

Winds do not vary much more in the parts of Heaven from which

they blow, than in their own qualities. Some are vehement, ſome mild, ſome conſtant, ſome mutable; ſome hot, ſome cold; ſome moiſtning and diſſolving; ſome drying and aſtringent; ſome gather clouds and are rainy, and peradventure Stormy: ſome diſperſe the clouds, and are clear.

Divers qualities of Winds.

7. Enquire and give accompt, which are the winds of all the forenamed ſorts or kinds, and how they vary according to the regions and places.

There are three local beginnings of Winds, either they are thrown and caſt down from above, or they ſpring out of the Earth, or they are made up of the very body of the Air.

Local beginnings of Winds.

8. According to theſe three beginnings enquire concerning winds: Namely, which are thrown down, out of that which they call the middle Region of the Air; which breath out of the concavities of the earth, whether they break out together; or whether they breath out of the Earth imperceiveably, and ſcattering, and afterwards gather together, like rivolets into a River. Finally, which are ſcatteringly engendred from the ſwellings and dilatations of the neighbouring Air?

Neither are the generations of the winds, original only, for ſome there are alſo accidental, namely by the compreſſions or reſtraints of the Air, and by the percuſſions and repercuſſions of it.

Accidental Generations, and Production of Winds.

9. Enquire concerning theſe accidental Generations of winds: They are not properly generations of winds; for they rather increaſe and ſtrengthen winds, than produce and excite them.

Hitherto of the community of winds. There are alſo certain rare and prodigious winds, ſuch as are called tempeſts, whirle-winds, and ſtorms: Theſe are above ground. There are likewiſe ſome that are ſubterraneal and under ground, whereof ſome vaporous and Mercurial, they are perceiveable in Mines: Some are ſulphurous, they are ſent out, geting an iſſue by Earthquakes, or do flame out of fiery Mountains.

Extraordinary Winds, and ſudden Blaſts.

10. Enquire concerning ſuch rare and prodigious winds, and of all miraculous and wonderful things done by winds.

From the ſeveral ſorts of winds let the Inquiſition paſs to thoſe things which contribute towards the winds, (for we will ſo expreſs it, becauſe the word Efficient ſignifies more, and the word concomitant leſs than we mean) and to thoſe things which ſeem to raiſe, or to appeaſe the winds.

Things

Things contributing, or making for the Winds, and raising, and appeasing them.

11. Enquire sparingly concerning Astrological considerations of winds, neither care thou for the over-curious Schemes of the heaven, only do not neglect the more manifest Observations of winds rising, about the rising of some stars, or about the Eclipses of the Luminaries, or Conjunctions of Planets; nor much less on those which depend on the courses of the Sun and Moon.

12. What Meteors of several sorts do contribute or make for winds, what the earth-quakes, what rain, what the skirmishing of winds one with another? for these things are linked together, and one draws on the other.

13. What the diversity of Vapours and exhalations contributes towards the winds? and which of them do most engender winds; and how far the Nature of winds doth follow these its materials.

14. What those things which are here upon the earth, or are there done do contribute towards the winds; what the hills and the dissolutions of Snow upon them; what those masses of Ice which swim upon the Sea, and are carried to some place; what the differences of soil and land (so it be of some large extent;) what Ponds, Sands, Woods, and Champion ground; what those things which we men do here, as burning of Heath, and the like, doth contribute to the manuring of Land, the firing of Towns in time of War, the drying up of Ponds and Lakes; the continual shooting off of Guns, the ringing of many Bells together in great Cities, and the like? These things and Acts of ours are but as small straws, yet something they may do.

15. Enquire concerning all manner of raisings, or allayings of winds, but be sparing in fabulous and superstitious causes.

From those things which make for the winds, let the Inquisition proceed to enquire of the bounds of the winds, of their Height, Extention, and Continuance.

The bounds of Winds.

16. Enquire carefully of the Height, or elevation of winds, and whether there be any tops of mountains to which the winds do not reach; or whether Clouds may be seen sometimes to stand still, and not move, when the winds at the same time blow strongly upon the earth.

17. Enquire diligently of the spaces or rooms which the winds take up at once, and within what bounds they blew? As for example, if the south wind blew in such a place, whether it be known certainly, that at the same time the North wind blew ten miles off? And contrariwise into how narrow and straight bounds the winds may be reduced, so that winds may pass as it were through Channels; which seems to be done in some whirlwinds.

18. Enquire for how long time, very much, ordinary, or little time winds use to continue, and then slack, and as it were expire and die. Likewise how the rising and beginning of winds useth to be; what their languishing or cessation is, whether suddenly, or by degrees, or how?

From the bounds of the winds let your Inquiſition paſs over to the ſucceſſions of winds, either amongſt themſelves, or in reſpect of rain and ſhowrs; for when they lead their rings it were pretty to know the order of their dancing.

Succeſſions of Winds.

19. Whether there be any more certain rule or obſervation concerning the ſucceſſions of winds one to another, or whether it have any relation to the motion of the Sun, or otherwiſe: if it have any, what manner of one it is?

20. Enquire concerning the ſucceſſion and the alteration, or taking turns of the winds, and rain, ſeeing it is ordinarily, and often ſeen, that rain lays the wind, and the wind doth diſperſe the rain.

21. Whether after a certain term and period of years, the ſucceſſion of winds begin anew; and if it be ſo, what that period is, and how long?

From the ſucceſſion of the winds, let the Inquiſition paſs to their motions: and the motions of winds are comprehended in ſeven Inquiſitions; whereof three are contained in the former Articles, four remain as yet untouched. For we have enquired of the motion of winds divided into the ſeveral Regions of the Heaven; alſo of the Motion upon three lines, upward, downward, and laterally: Likewiſe of the accidental motion of compreſſions or Reſtraints. There remain the fourth of Progreſſions or going forward: the fifth of Undulation, or waving: the ſixth of conflict or skirmiſh: the ſeventh in humane Inſtruments and Engines.

Divers Motions of the Winds.

22. Seeing Progreſſion is always from ſome certain place or bounds, enquire diligently, or as well as thou canſt concerning the place of the firſt beginning, and as it were the ſpring of any wind. For winds ſeem to be like unto Fame, for though they make a noiſe and run up and down, yet they hide their heads amongſt the Clouds: ſo is their Progreſs; as for example, if the vehement Northern wind which blew at *York* ſuch a day, do blow at *London* two days after.

23. Omit not the Inquiſition of Undulation of winds. We call Undulation of winds that motion by which the wind in or for a little ſpace of time riſes and abates, as the waves of the water; which Turns may eaſily be apprehended by the hearing of them in houſes: and you muſt ſo much the rather mark the differences of Undulation, or of Furrowing between the water and the air, becauſe in the air and winds, there wants the Motion of gravity or weight, which is a great part of the cauſe of the waves riſing in the water.

24. Enquire carefully concerning the Conflict, and meeting of winds, which blow at one and the ſame time: Firſt, whether at the ſame time there blow ſeveral Original winds? (for we do not ſpeak of reverberated winds) which if it comes to paſs, what Windings they engender and bring forth in their motion, and alſo what Condenſations, and Alterations they produce in the body of the Air?

25. Whether one wind blow above at the ſame time, as another blows here below with us? For it hath been obſerved by ſome, that ſometimes

ſometimes the Clouds are carried one way, when the Weather-cock upon a Steeple ſtands another. Alſo that the Clouds have been driven by a ſtrong gale, when we here below have had a great calm.

26. Make an exact particular deſcription of the motion of the winds, in driving on Ships with their Sails.

27. Let there be a Deſcription made of the motion of the winds in the fails of Ships, and the fails of Wind-mills, in the flight of Hawks and Birds; alſo in things that are ordinary, and for ſport, as of diſplayed Colours, flying Dragons, Duels with winds, *&c.*

From the motions of winds, let the Inquiſition paſs to the force and power of them.

Of the power of Winds.

28. What winds do, or can do concerning Currents or Tides of waters, in their keepings back, puttings forth, or inlets and overflowings.

29. What they do concerning Plants and Inſects, bringing in of Locuſts, Blaſtings, and Mill-dews.

30. What they effect concerning Purging or Clearing, and infecting of the air, in Plagues, Sickneſſes, and Diſeaſes of Beaſts.

31. What they effect concerning the conveying to us things (which we call) ſpiritual, as ſounds, rayes, and the like.

From the powers of winds let the Inquiſition paſs to the Prognoſticks of winds, not only for the uſe of Predictions, but becauſe they lead us on to the cauſes: For Prognoſticks do either ſhew us the preparations of things, before they be brought into action; or the beginnings before they appear to the ſenſe.

Prognoſticks of Winds.

32. Let all manner of good Prognoſticks of winds be carefully gathered together (beſides Aſtrological ones, of which we ſet down formerly, how far they are to be enquired after) and let them either be taken out of Meteors, or Waters, or inſtincts of Beaſts, or any other way.

Laſtly, cloſe up the Inquiſition, with enquiring after the imitations of winds, either in Natural or Artificial things.

Imitations of Winds.

33. Enquire of the Imitations of winds in Natural things; ſuch as breaths incloſed within the bodies of living Creatures, and breaths within the receptacles of diſtilling Veſſels.

Enquire concerning made Gales, and Artificial winds, as Bellows, Refrigeratories, or coolers in Parlours, or Dining rooms, *&c.*

Let the Heads or Articles be ſuch: Neither is it unknown to me that it will be impoſſible to anſwer to ſome of theſe according to the ſmall quantity of experience that we have: But as in civil cauſes, a good Lawyer knows what Interrogatories the Cauſe requires to have witneſſes examined upon; but what the witneſſes can anſwer he knows not. The ſame thing is incident to us in Natural Hiſtory. Let thoſe who come after us endeavour for the reſt.

The

THE HISTORY.

The Names of Winds.

To the first Article.

WE give Names to Winds, rather as they are numbred in their order and degrees, than by their own Antiquity, this we do for memories and perſpicuities ſake. But we adde the old words alſo, becauſe of the aſſenting voices or opinions of old Authors, of which having taken (though with ſomewhat a doubtful judgment) many things, they will hardly be known, but under ſuch names as themſelves have uſed. Let the general diviſion be this: Let Cardinal winds be thoſe which blow from Corners or Angles of the World: Semicardinal, thoſe which blow in the half-wards of thoſe; and Median Winds thoſe which blow between theſe half-wards: Likewiſe of thoſe which blow betwixt theſe half-wards, let thoſe be called Major Medians, which blow in a Quadrant or fourth part of theſe diviſions: the leſſer Medians are all the reſt. Now the particular diviſion is that which follows.

Cardinal. *North.*
North and by Eaſt.
Med.Maj. *North, North-Eaſt, or Aquilo.*
North Eaſt and by North, or Meſes.
Semi-Card. *North Eaſt.*
North Eaſt and by Eaſt.
Med.Maj. *Eaſt North Eaſt, or Cæcias.*
Eaſt and by North.

Cardinal. *Eaſt, or Subſolanus.*
Eaſt by South.
Med.Maj. *Eaſt South Eaſt, or Vulturnus.*
South Eaſt & by Eaſt.
Semi-Card. *South Eaſt.*
South Eaſt and by South.
Med. Maj. *South South Eaſt, or Phœnicias.*
South and by Eaſt.

Cardinal. *South.*
South & by Weſt.
Med. Maj. *South South Weſt, or Libonotus.*
South Weſt and by South.
Semi Card. *South Weſt, or Libs.*
South Weſt and by Weſt.
Med. Maj. *Weſt South Weſt, or Africus.*
Weſt and by South.

Cardinal. *Weſt, or Favonius.*
Weſt and by North.
Med.Maj. *Weſt North Weſt, or Corus.*
North Weſt and by Weſt.
Semi Card. *North Weſt.*
North Weſt and by North, or Thraſcias.
Med. Maj. *North North Weſt, or Circius.*
North and by Weſt.

There

There are alſo other Names of winds. *Apeliotes* the Eaſt wind, *Argeſtes*, the South Weſt, *Olympias*, the North Weſt, *Scyron*, the South Eaſt, *Helleſpontius*, the Eaſt North Eaſt, for theſe we care not. Let it ſuffice, that we have given conſtant and fixed names of winds, according to the order and diſpoſition of the regions of the Heavens: we do not ſet much by the Comments of Authors; ſince the Authors themſelves have little in them.

Free Winds.

To the ſixth Article.

1 THere is not a Region of the Heaven from whence the wind doth not blow. Yea, if you divide the Heaven into as many Regions as there be degrees in the Horizon, you ſhall find winds ſometimes blowing from every one of them.

2. There are ſome whole Countries, where it never rains, or at leaſt very ſeldom; but there is no Country where the wind doth not blow, and that frequently.

General Winds.

To the ſecond Article.

1. COncerning general winds Experiments are plain, and it is no marvel, ſeeing that (eſpecially within the Tropicks) we may find places condemned among the Ancients.

It is certain, that to thoſe who ſail between the Tropicks, in a free and open ſea, there blows a conſtant and ſetled wind (which the ſeamen call a Breeze) from Eaſt to Weſt. This wind is not of ſo little force, but that partly by its own blowing, and partly by its guiding the current of the Sea, it hindreth Sea-men from coming back again the ſame way they went to *Peru*.

2. In our Seas in *Europe*, when it is fair dry weather, and no particular winds ſtirring, there blows a ſoft kind of gale from the Eaſt, which followeth the Sun.

3. Our common Obſervations do admit that the higher Clouds are for the moſt part carried from Eaſt to Weſt; and that it's ſo likewiſe when here below upon the earth either there is a great calm, or a contrary wind; and if they do not ſo always, it is becauſe ſometimes particular winds blow aloft, which overwhelm this general wind.

A *Caution*. If there be any ſuch general wind, in order to the motion of the Heaven, it is not ſo firm nor ſtrong, but that it gives way to particular winds. But it appears moſt plainly amongſt the Tropicks, by reaſon of the larger circles which it makes: And likewiſe it is ſo when it blows on high, for the ſame cauſe, and by reaſon of its free courſe. Wherefore if you will take it without the Tropicks, and near the earth, (where it blows moſt gently and ſlowly) make trial of it in an open and free air, in an extream calm, and in high places, and in a body which is very moveable, and in the after-noon; for at that time the particular Eaſtern wind blows more ſparingly.

Injunction.

Injunction. Obſerve diligently the Vains and Weather-cocks upon the tops and Towers of Churches, whether in extream calms they ſtand continually towards the Weſt or not.

An Indirect Experiment.

4. It is certain, that here with us in *Europe*, the Eaſtern wind is drying and ſharp: the Weſt wind contrariwiſe moiſt and nouriſhing. May not this be by reaſon that (it being granted, that the Air moves from Eaſt to Weſt) it muſt of neceſſity be that the Eaſt wind, whoſe blaſt goeth the ſame way, muſt needs diſperſe and attenuate the Air, whereby the Air is made biting and dry; but the weſtern wind which blows the contrary way, turns the Airs back upon it ſelf, and thickens it, whereby it becomes more dull, and at length moiſt.

An Indirect Experiment.

5. Conſider the Inquiſition of the motion, and flowing of waters, whether they move from Eaſt to Weſt; for if the two extreams Heaven and Waters delight in this Motion, the Air which is in the midſt will go near to participate of the ſame.

Caution. We call the two laſt Experiments indirect, becauſe they do directly ſhew the thing which we aim at, but by conſequence, which we alſo gladly admit of when we want direct Experiments.

Injunction. That the Breeze blows plentifully between the Tropicks, is moſt certain; the cauſe is very ambiguous. The cauſe may be, becauſe the Air moves according to the Heaven: But without the Tropicks almoſt unperceiveably, by reaſon of the ſmaller Circles which it makes within the Tropicks manifeſtly, becauſe it makes bigger Circles. Another cauſe may be, becauſe all kind of heat dilates and extends the Air, and doth not ſuffer it to be contained in its former place; and by the dilation of the Air, there muſt needs be an impulſion of the contiguous Air, which produceth this Breeze, as the Sun goes forward: and that is more evident within the Tropicks, where the Sun is more ſcorching, without it is hardly perceived. And this ſeems to be an inſtance of the Croſs, or a deciſory inſtance. To clear this doubt you may enquire, whether the Breeze blow in the night or no; for the wheeling of the Air continues alſo in the night, but the heat of the Sun does not.

6. But it is moſt certain that the Breeze doth not blow in the night, but in the morning, and when the morning is pretty well ſpent; yet that inſtance doth not determine the Queſtion: whether the nightly condenſation of the Air, (eſpecially in thoſe Countrys where the days and nights are not more equal in their length than they are differing in their heat and cold) may dull and confound that Natural Motion of the Air, which is but weak.

If the air participates of the motion of the Heaven, it does not only follow, that the Eaſt wind concurs with the motion of the Air, and the Weſt wind ſtrives againſt it; but alſo that the North wind blows as it were from above, and the South wind as from below here in our Hemiſphere, where the Antartick Pole is under ground, and the Artick Pole is elevated; which hath likewiſe been obſerved by the Ancients, though ſtaggeringly and obſcurely: But it agrees very well with our modern Experience; becauſe the Breeze (which may be a motion of the air) is not a full Eaſt, but a North-Eaſt wind.

Stayed

Stayed or certain Winds.

To the third Article.

Connexion.

AS in the Inquiſition of General winds, men have ſuffered and been in darkneſs, ſo they have been troubled with a *Vertigo* or giddineſs concerning ſtaid and certain Winds. Of the former they ſay nothing, of the latter, they talk up and down and at random. This is the more pardonable, the thing being various: for theſe ſtayed winds do change and alter according to the places where they be: the ſame do not blow in *Egypt*, *Greece*, and *Italy*.

1. That there are ſtayed winds in ſome places, the very name that is given them doth declare it, as the other name of *Eteſiaes* means Anniverſary or yearly winds.

2. The Ancients attributed the cauſe of the over-flowing of *Nilus* to the blowing of the *Eteſian* (that is to ſay Northern) winds at that time of the year which did hinder the River's running into the Sea, and turned the ſtream of it back.

3. There are Currents in the Sea, which can neither be attributed to the natural motion of the Ocean, nor to the running down from higher places, nor the ſtraightneſs of the oppoſite ſhoars, or to Promontories running out into the Sea, but are meerly guided and governed by theſe ſtayed winds.

4. Thoſe who will not have *Columbus* to have conceived ſuch a ſtrong opinion concerning the Weſt Indies by the relation of a *Spaniſh* Pilot, and much leſs believe that he might gather it out of ſome obſcure foot-ſteps of the Ancients have this refuge; that he might conjecture there was ſome Continent in the Weſt by the certain and ſtayed winds which blew from them towards the ſhoars of *Luſitania*, or *Portugal*. A doubtful, and not very probable thing; ſeeing that the voyage of winds will hardly reach ſo large a diſtance. In the mean time there is great honour due to this Inquiſition, if the finding of this new world be due to one of thoſe Axioms or Obſervations, whereof it comprehends many.

5. Whereſoever are high and ſnowy Mountains, from thence blow ſtayed winds, until that time as the ſnow be melted away.

6. I believe alſo that from great Pools which are full of water in the Winter, there blows ſtayed winds in thoſe ſeaſons, when as they begin to dry up with the heat of the Sun. But of this I have no certainty.

7. Whereſoever Vapours are engendred in abundance, and that at certain times, be ſure that ſtayed winds will blow there at the ſame times.

8. If ſtayed and certain winds blow any where, and the cauſe cannot be found near at hand, aſſure your ſelf that thoſe certain winds are ſtrangers, and come from far.

9. It hath been obſerved, that ſtayed winds do not blow in the night time, but do riſe about three hours after Sun-riſing. Surely ſuch winds are tired as it were with a long journy, that they can ſcarcely break through the thickneſs of the night Air, but being ſtirred up again by the riſing of the Sun, they go forward by little and little.

10. All ſtayed winds (unleſs they blow from ſome neighbouring places) are weak, and yield unto ſudden winds.

11. There are many ſtayed winds which are not perceivable, and which we do not obſerve, by reaſon of their weakneſs, whereby they are overthrown by the free winds. Wherefore in the winter they are hardly taken notice of, when the free winds wander moſt: but are more obſerveable in the Summer, when thoſe wandring winds grow weak.

12. In *Europe* theſe are the chief ſtayed winds, Northwinds from the Solſtice, and they are both fore-runners and followers of the Dog-ſtar. Weſt-winds from the Equinoctial in Autumn, Eaſtwinds from the Spring Equinoctial; as for the winter Solſtice, there is little heed to be taken of it, by reaſon of the varieties.

13. The winds called *Ornithii* or Bird winds, had that name given them, becauſe they bring Birds out of cold Regions beyond the Sea, into warm Climates; and they belong not to ſtayed winds, becauſe they for the moſt part keep no punctual time: and the Birds they for the convenience of them, whether they come ſooner or later: and many times when they have begun to blow a little, and turn, the birds being forſaken by it, are drowned in the ſea, and ſometimes fall into ſhips.

14. The returns of theſe certain or ſtayed winds are not ſo preciſe at a day or an hour, as the flowing of the Sea is. Some Authors do ſet down a day, but it is rather by conjecture than any conſtant obſervation.

Cuſtomary or Attending Winds.

Of the fourth and fifth Articles.

Connexion.

THe word of attending winds is ours, and we thought good to give it, that the Obſervation concerning them be not loſt, nor confounded. The meaning is this, Divide the year if you pleaſe (in what Country ſoever you be) into three, four, or five parts, and if any one certain wind blow, then two, three, or four of thoſe parts, and a contrary wind but one; we call that wind which blows moſt frequently, The cuſtomary, or Attending wind of that Country, and likewiſe of the times.

1. The South and Northwinds are attendants of the world, for they with thoſe which are within their Sections or Diviſions, blow oftner over all the world, than either the Eaſt or the Weſt.

2. All free winds (not the cuſtomary) are more attendant in the winter than in the ſummer; but moſt of all in the Autumn and Spring.

3. All free winds are attendants rather in the Countries without the Tropicks, and about the Polar Circles, than within: for in frozen and in torrid Countrys, for the moſt part they blow more ſparingly, in the middle Regions they are more frequent.

4. Alſo all free winds, eſpecially the ſtrongeſt and moſt forcible of them, do blow oftner and more ſtrongly, morning and evening, than at noon and night.

5. Free winds blow frequently in hollow places, and where there be Caves, than in ſolid and firm ground.

Injunction.

Injunction. Humane diligence hath almoſt ceaſed and ſtood ſtill in the obſervation of attending winds in particular places, which notwithſtanding ſhould not have been, that Obſervation being profitable for many things. I remember I asked a certain Merchant, (a wiſe and diſcreet man) who had made a Plantation in *Greenland*, and had wintred there, why that Country was ſo extream cold, ſeeing it ſtood in a reaſonable temperate Climate. He ſaid, it was not ſo great as it was reported; but that the cauſe was twofold: One was, that the maſſes and heaps of Ice, which came out of the *Scithian* ſea were carried thither. The other, (which he alſo thought to be the better reaſon) was, becauſe the Weſt wind there blows many parts of the year, more than the Eaſt wind; as alſo, (ſaid he) it doth with us; but there it blows from the Continent, and cold, but with us from the Sea and warmiſh. And (ſaid he) if the Eaſt wind ſhould blow here in *England* ſo often & conſtantly as the Weſtwind does there, we ſhould have far colder weather, even equal to that as is there.

6. The Weſt-winds are attendants of the *Pomeridian* or afternoon hours: for towards the declining of the Sun, the winds blow oftner from the Eaſt, then from the Weſt.

7. The South-wind is attendant on the night; for it riſes and blows more ſtrongly in the night, and the North-wind in the day time.

8. But there are many and great differences between winds which are attendant on the ſea, and thoſe which are attendant upon the land. That is one of the chief which gave *Columbus* occaſion to find out the new world; namely, that Sea-winds are not ſtayed, but land winds are: for the Sea abounding in Vapors, which are indifferently every where winds are alſo engendred indifferently every where, and with great inconſtancy are carryed here and there, having no certain beginnings nor ſources. But the earth is much unlike for the the begetting of winds: ſome places are more efficacious to engender and increaſe winds, ſome leſs: wherefore they ſtand moſt from that part where they have their nouriſhment, and take their riſe from thence.

9. *Acoſta* is unconſtant in his own Poſition. He ſaith that at *Peru*, and the Sea coaſts of the South Sea, South winds do blow almoſt the whole year: and he ſaith in another place, that upon thoſe Coaſts ſea winds do blow chiefliеſt. But the South wind to them is a land wind, as likewiſe the North and Eaſt wind alſo, and the Weſt-wind is their only ſea wind. We muſt take that which he ſets down more certainly; namely, that the South-wind is an attending and familiar wind of thoſe Countries: unleſs peradventure in the name of the South Sea he hath corrupted his meaning, or his ſpeech, meaning the Weſt by the South, which blows from the South-ſea. But the Sea which they call the South-ſea, is not properly the South-Sea; but as a ſecond weſtern Ocean, being ſtretched out in the like ſituation as the *Atlantick* ſea is.

10. Sea winds are queſtionleſs more moiſt than land winds, but yet they are more pure, and will eaſilier, and with more equality be incorporated with the pure Air. For terreſtrial winds are ill compoſed, and ſmoaky. Neither let any one object, that they ought to be groſſer by reaſon of the ſaltneſs of the Sea. For the nature of terreſtrial ſalt doth not riſe in vapours.

Sea winds are luke-warm or cold, by reaſon of the two foreſaid qualities, humidity and pureneſs. For by humidity they mitigate the colds (for drineſs increaſeth both heat and cold) and with their pureneſs they

cool. Therefore without the Tropicks they are luke-warm, within the Tropicks they are cold.

12. I believe that ſea winds are every where attendant upon particular Countries, eſpecially ſuch as ſtand upon the Sea coaſts: That is to ſay, winds blow more frequently from that ſide where the ſea is, by reaſon of the greater plenty of matter which winds have in the ſea, than in the land; unleſs there be ſome firm wind blowing from the land, for ſome peculiar reaſon. But let no man confound firm or ſtayed winds, with attendant winds: the attendants being always more frequent; but the ſtaid ones for the moſt part blowing more ſeldom: But that is common to them both, namely, to blow from that place from which they receive their nouriſhment.

13. Sea winds are commonly more vehement than land winds: yet when they ceaſe, the ſea is calmer from the ſhoars than near unto them; inſomuch, that Mariners to avoid calms, will ſometimes coaſt along the ſhoar, rather than lanch into the deep.

14. Winds which are called *Tropèi*, that is to ſay, Retorted, namely, ſuch as when they have blown a little way, ſuddenly turn again, ſuch winds I ſay blow from the Sea towards the ſhoar: but retorted winds, and whirlwinds are moſt commonly in gulfs of Seas.

15. Some ſmall Gales blow for the moſt part about all great waters, and they are moſt felt in a morning; but more about Rivers than at Sea, becauſe of the difference which is between a land-gale, and a water-gale.

16. In places which are near the ſea trees bow and bend, as ſhunning the Sea Air: but that comes not through any averſeneſs in them: but ſea winds by reaſon of their humidity and thickneſs, are as it were more heavy and ponderous.

The Qualities and Powers of Winds.

To the 7, 28, 29, 30, 31 Articles.

Connexion.

COncerning the Qualities and Powers of winds men have made careleſs and various Obſervations: we will cull out the moſt certain, and the reſt, as too light, we will leave to the winds themſelves.

1. With us the ſouth wind is rainy, and the northern wind clear and fair, the one gathers together and nouriſhes the Clouds; the other ſcatters and caſts them off. Wherefore the Poets when they ſpeak of the Deluge, feign the Northern wind at that time to be ſhut up in priſon, and the ſouth wind to be ſent out with very large commiſſion.

2. The Weſt wind hath with us been held to be the wind which blew in the golden age, the companion of a perpetual Spring, and a cheriſher of Flowers.

3. *Paracelſus* his Schollars, when they ſought for a place for their three Principles in *Juno*'s Temple alſo, which is the Air, placed three, but found no place for the Eaſt-wind.

They Mercury *aſcribe to the South-winds,*
To the rich Weſtern blaſts the Sulphure Mines,
And rugged Boreas *blaſts the ſad ſalt finds.*

But

4. But with us in *England* the East wind is thought to be mischievous, so that it goes for a Proverb, That when the wind is in the East, 'tis neither good for man nor beast.

5. The south wind blows from the presence of the Sun, the North from the absence in our Hemispere. The East wind in order to the motion of the air: the West wind from the Sea, the East wind from the Continent most commonly in *Europe* and the western parts of *Asia*. These are the most radical and essential differences of winds; from which truly and really depend most of the Qualities and Powers of the winds.

6. The south wind is not so Anniversary, or yearly, nor so stayed as the Northern wind is, but more wandring and freer: and when it is stayed, it is so soft and mild that it can scarcely be perceived.

7. The south wind is lower, and more lateral and blowing of one side, the Northern wind is higher and blows from above: we do not mean the Polar elevation and depression of which we have spoken formerly; but because the North wind for the most part hath its beginnings higher, and the south wind for the most part nearer to us.

8. The south wind to us is rain (as we said before) but in *Africk* it causes clear weather, but bringing great heat along with it, and not cold, as some have affirmed. In *Africk* it is pretty healthful, but to us, if the south wind last long with fair weather, and without rain, it is very Pestilent.

9. The south winds and west winds do not engender vapours, but they blow from those coasts where there is great store of them, by reason of the encrease of the Suns heat, which draws forth the vapours, and therefore they are rainy. But if they blow from dry places, which have no Vapours in them, they are fair. But notwithstanding sometimes they are pure, and sometimes turbulent.

10. The south and west wind here with us, seem to be confederate, and are warm and moist, and on the other side the North and East winds, have some affinity between them, being cold and dry.

11. The North and South winds (whereof we have also spoken before) do blow oftner than the East and West winds, because there is a great inequality of vapours in those parts, by reason of the absence and presence of the Sun, but to the East and to the West the Sun is as it were indifferent.

12. The south wind is very healthful, when it comes from the Sea, but when it blows from the Continent it is more unhealthful; and so contrariwise the North wind is suspicious, blowing from the Sea, from the Continent it is healthful. Likewise the south sea wind is very agreeable with Plants and Fruits, killing their Cankers, or rusts and other hurtful annoiances.

13. A gentle south wind doth assemble and gather together Clouds much, especially if it continue but a short while: but if it blow too boisterously, or long, it clouds the skie, and brings in rain. But especially when it ceases or grows remiss, more than in its beginning, and when it is in its chiefest vigor.

14. When the south wind either begins to blow, or ceases for the most there are changes of weather, from fair to cloudy, and from hot to cold, and contrariwise. The North wind many times rises and ceases, the former weather remaining and continuing.

15. After

15. After hoary frosts and long continued snow, there scarcely blows any other wind than a south wind, there being as it were a concoction, or digestion made of cold, which then at last dissolves: neither doth rain also follow; but this likewise happens in changes, or intervals of fair weather.

16. The south wind rises oftner, and blows stronger in the night than in the day, especially in winter nights. But the North wind if it rise in the night (which is contrary to its custom) it doth usually last above three days.

17. When the south wind blows the waves swell higher than when the north wind blows, though it blow with an equal or lesser force.

18. The south wind blowing, the sea becomes blew, and more bright than when the North wind blows, which causes it to look darker and blacker.

19. When the air becomes warmer on a sudden, it sometimes betokens rain: and again at other times, when on a sudden it grows, colder it likewise betokens rain. But this happens according to the Nature of the winds: for if the air grow warm, whilst the south or east wind blows, there is rain at hand; and likewise when it grows cold during the Northern or Western blasts.

20. The south wind blows for the most part entire, and alone. But the north wind blowing, especially the East North-East, or the North-West often times contrary and various, or divers winds blow together, whereby they are broken and disturbed.

21. Beware a Northern wind when you sow seed, neither would I wish any one to inoculate or graft in a southern wind.

22. Leaves fall from trees sooneſt on the south side, but Vine sprouts or stalks bud forth, and grow most that way.

23. In large Pasture shepherds must take care (as *Pliny* saith) to bring their Flocks to the North side, that they may feed against the South. For if they feed towards the North, they grow lame and bleereyed, and distempered in their bellies. The Northern wind also doth so weaken their coupling, that if they couple looking that way, they will for the most part bring forth Ewe-Lambs. But *Pliny* doth not stand very stifly to this Opinion, having as it were but taken it up upon trust, and borrowed it.

24. Winds are hurtful to Wheat and all manner of grain at three times: namely, at the opening and at the falling of the flower, and when the grain it self is ripe, for then they blow the Corn out of the Ear, and at the other two times either they blast the flower, or blow it off.

25. While the south wind blows mens breath grow ranker, all creatures appetites decay, pestilent diseases reign, men wax more slow and dull. But when the wind is Northwardly, men are more lively, healthful, and greedy after food. Yet the Northern wind is hurtful for them that are troubled with the Phthisick, Cough, Gout, or any other sharp defluxions.

26. An East wind is dry, piercing, and mortifying. The West wind moist, meek and nourishing.

27. If the East wind blow when the Spring is any thing forward, it is hurtful to fruits, bringing in of Worms and Caterpillars, so that the leaves are hardly spared: neither is it very good to grain. Contrariwise, the West wind is very propitious and friendly to Herbs, Flowers, and all manner

ner of vegitables. And so is the East wind too about the Autumnal Equinoctial.

28. Western winds are more vehement than Eastern winds, and bow and bend Trees more.

29. Rainy weather which begins when the East wind blows, doth last longer than that which begins when a West wind blows, and may peradventure hold out for a whole day.

30. The East and North wind, when they once begin to blow, blow more constantly; the South and West wind are more mutable.

31. In an Eastern wind all visible things do appear bigger; But in a Western wind all audible things are heard further, as sounds of Bells, and the like.

32. The East, North-East wind draws Clouds to it. It is a Proverb amongst the Greeks to compare it to Usurers, who by laying out money do swallow it up: It is a vehement and large wind, which cannot remove Clouds so fast, as they will turn back and press upon it. Which is likewise seen in great fires, which grow stronger against the wind.

33. Cardinal or Semi-Cardinal winds are not so stormy as the Median.

34. Median winds from North to North-East are more fair, from North-East to East more stormy. Likewise from East to South-East more fair, from South-East to South more stormy. Likewise from South to South-West more fair, from South-West to West more stormy. Likewise from West to North-west more fair; from North-west to North more stormy. So that proceeding according to the order of the heavens, the Median winds of the first half-ward are always disposed to fair weather; those of the latter half-ward to storms and tempests.

35. Thunders and Lightnings, and storms, with falling of broken Clouds are, when cold winds as participate of the North do blow, as the North-west, North, North-west, North North-east, North-east, and East North-east. Wherefore those thunders likely are accompanied with Hail.

36. Likewise snowy winds come from the North, but it is from those Median winds which are not stormy, as the North-west, and North-east and by North.

37. Winds gain their Natures and Properties five wayes onely: Either by the absence or presence of the Sun; or by agreeing or disagreeing with the natural Motion of the Air; or by the diversity of the matter which feedeth them, by which they are engendred; as Sea, Snow, Marishes, or the like: Or by the tincture of the Countrys through which they pass: Or by their original local beginning, from on high, under ground, in the middle; all which things the ensuing Articles will better declare and explain.

38. All winds have a power to dry, yea more than the Sun it self, because the Sun draws out the vapours; but if it be not very fervent, it doth not disperse them: but the wind both draws them out, and carries them away. But the south wind doth this least of any; and both timber and stones sweat more when the South wind blows a little, than when it is calm and lies still.

39. March winds are far more drying than summer winds: insomuch that such as make Musical Instruments will stay for March winds to dry their stuff they make their Instruments of, to make it more porous, and better sounding.

40. All

40. All manner of winds purge the air, and cleanſe it from all putrifaction, ſo that ſuch years as are moſt windy, are moſt healthful.

41. The Sun is like to Princes, who ſometimes having appointed Deputies in ſome remote Countries, the ſubjects there are more obſequious to thoſe Deputies, and yield them more reſpect than to the Prince himſelf. And ſo the winds which have their power and origine from the Sun, do govern the temperatures of the Countries, and the diſpoſition of the air as much or more than the Sun it ſelf. Inſomuch that *Peru* (which by reaſon of the nearneſs of the Ocean, the vaſtneſs of Rivers, and exceeding great and high hills, hath abundance of winds and blaſts blowing there) may contend with *Europe* for a temperate and ſweet air.

42. It is no wonder if the force and power of winds be ſo great, as it is found to be; Vehement winds being as Inundations, Torrents, and Flowings of the ſpacious air, Neither (if we attentively heed it) is their power any great matter. They can throw down trees, which with their tops, like unto ſpread ſails, give them advantage to do it, and are a burden to themſelves: Likewiſe they can blow down weak buildings; ſtrong and firm ones they cannot without Earthquakes join with them. Sometimes they will blow all the ſnow off the tops of hills, buryng the Valley that is below them with it; as it befel *Soliman* in the *Sultanian* fields. They will alſo ſometimes drive in waters, and cauſe great Inundations.

43. Sometimes winds will dry up Rivers, and leave the Channels bare. For if after a great drought a ſtrong wind blows with the Current for many days, ſo that it as it were ſweeps away the water of the River into the ſea, and keeps the Sea water from coming in, the River will dry up in many places where it doth uot uſe to be ſo.

Monition. Turn the Poles, and withal turn the Obſervations as concerning the North and South. For the preſence and abſence of the Sun being the cauſe, it muſt vary according to the Poles. But this may be a conſtant thing, that there is more ſea towards the ſouth, and more land towards the North, which doth not a little help the winds.

Monition. Winds are made, or engendred a thouſand ways, as by the ſubſequent Inquiſition it will appear; ſo to fix that Obſervations in a thing ſo various is not very eaſie. Yet thoſe things which we have ſet down, are for the moſt part, moſt certain.

Local beginnings of Winds.

To the eighth Article.

Connexion.

TO know the local beginnings of winds, is a thing which requires a deep ſearch and Inquiſition, ſeeing that the *Whence* and *Whither* of winds, are things noted even in Scripture to be abſtruſe and hidden. Neither do we now ſpeak of the Fountains or beginnings of particular winds, (of which more ſhall be ſaid hereafter) but of the matrixes of winds in general. Some fetch them from above, ſome ſearch for them in the deep: but in the middle (where they are for the moſt part engendred) no body hardly looks for them: ſuch is the cuſtom of men to enquire after things which are obſcure, and omit thoſe things which lie, as it were,

in

in their way. This is certain that winds are either in-bred, or ſtrangers. For winds are as it were Merchants of vapors, which being by them gathered into Clouds, they carry out, and bring in again into Countreys, from whence winds are again returned as it were by exchange. But let us now enquire concerning Native winds, for thoſe which coming from another place are ſtrangers, are in another place Natives. There are three local beginnings of them; They either breath or ſpring out of the ground, or are caſt down from above, or are here made up in the body of the Air. Thoſe which are caſt down from above, are of a double generation: for they are either caſt down before they be formed into Clouds, or afterwards compoſed of rarified and diſperſed Clouds. Let us now ſee what is the Hiſtory of theſe things.

1. The Poets feigned *Eolus* his Kingdom to be placed under ground in Dens and Caves, where the winds priſon was, out of which they were at times let forth.

2. Some Philoſophical Divines moved by thoſe words of Scripture, *He brings forth the winds out of his Treaſures*, think that the winds come out of ſome Treaſuries; namely, places under ground amongſt the Mines of Minerals. But this is nothing: for the Scripture ſpeaketh likewiſe of the Treaſures of Snow and Hail, which doubtleſs are engendred above.

3. Queſtionleſs in ſubterraneal places there is great ſtore of Air, which it is very likely ſometimes breaths out by little and little, and ſometimes again upon urgent cauſes, muſt needs come ruſhing forth together.

An Indirect Experiment.

In great droughts, and in the middle of Summer, when the ground is cleft and chopped, there breaks out water many times in dry and ſandy places. Which if waters (being a groſs body) do, though it be but ſeldom, it is probable that the air (which is a ſubtile and tenuous body) may often do it.

4. If the Air breaths out of the earth by little and little, and ſcatteringly, it is little perceived at the firſt; but when many of thoſe ſmall emanations or comings out are come together, there is a wind produced, as a River out of ſeveral Springs. And this ſeems to be ſo, becauſe it hath been obſerved by the Ancients, that many winds in thoſe places where they begin, do at firſt blow but ſoftly, which afterward grow ſtronger and increaſe in their progreſs like unto Rivers.

5. There are ſome places in the Sea, and ſome Lakes alſo which ſwell extreamly when there is no wind ſtirring; which apparently proceeds from ſome ſubterraneal wind.

6. There is great quantity of ſubterraneal ſpirit required to ſhake or cleave the earth; leſs will ſerve turn for the raiſing of water. Wherefore earthquakes come but ſeldom, riſings and ſwellings of waters are more frequent.

7. Likewiſe it is every where taken notice of that waters do ſomewhat ſwell and riſe before Tempeſts.

8. The weak ſubterraneal ſpirit which is breathed out ſcatteringly, is not perceived upon the earth, until it be gathered into wind, by reaſon the earth is full of pores; but when it iſſues from under the water, it is

preſently perceived (by reaſon of the waters continuity) by ſome manner ſwelling.

9. We reſolved before that in Cavernous and Denny places there were attendant winds; inſomuch that thoſe winds ſeem to have their local beginnings out of the earth.

10. In great and rocky Hills winds are found to breath ſooner, (namely before they be perceived in the Valleys) and more frequently, (namely when it is calm weather in the valleys,) But all mountains and rocks are cavernous and hollow.

11. In *Wales*, in the County of *Denbigh*, a mountainous and rocky Country, out of certain Caves (as *Gilbertus* relateth) are ſuch vehement eruptions of wind, that cloaths or linnen laid out there upon any occaſion, are blown up, and carried a great way up into the air.

12. In *Aber Barry* near *Severn* in *Wales* in a rocky cliff, are certain holes, to which if you lay your ear, you ſhall hear divers ſounds and murmurs of winds under ground.

An Indirect Experiment.

Acoſta hath obſerved that the Towns of *Plata* and *Potoſa*, in *Peru* are not far diſtant one from the other, and both ſituated upon a high and hilly ground, ſo that they differ not in that. And yet *Potoſa* hath a cold and winter-like air; and *Plata* hath a mild and ſpring-like temperature; which difference it ſeems may be attributed to the ſilver Mines which are near *Potoſa*: Which ſheweth that there are breathing places of the earth, as in relation to hot and cold.

13. If the earth be the firſt cold thing, according to *Parmenides*, (whoſe opinion is not contemptible, ſeeing cold and denſity are knit together by a ſtrict knot) it is no leſs probable that there are hotter breaths ſent out from the Central cold of the earth, than are caſt down from the cold of the higher air.

14. There are certain Wells in *Dalmatia*, and the Country of *Cyrene* (as ſome of the Ancients record) into which if you caſt a ſtone, there will preſently ariſe tempeſts, as if the ſtone had broken ſome covering of a place, in which the force of the winds was incloſed.

An Indirect Experiment.

Ætna, and divers other Mountains caſt out fire: therefore it is likely that air may likewiſe break forth, eſpecially being dilatated and ſet into motion, by heat in ſubterraneal places.

15. It hath been noted, that both before and after Earth-quakes, there hath blown certain noxious and forraign winds: as there are certain little ſmothers uſually before and after great firings and burnings.

Monition. The Air ſhut up in the earth is forced to break out for ſeveral cauſes, ſometimes a maſs of earth, ill joined together, falls into a hollow place of the earth; ſometimes waters do ingulf themſelves; ſometimes the Air is extended by ſubterraneal heats, and ſeeks for more room: ſometimes the earth which before was ſolid and vaulted, being by fires turned into aſhes, no longer able to bear it ſelf up, falls. And many ſuch like cauſes.

And

And ſo theſe Inquiſitions have been made concerning the firſt local beginning of winds. Now followeth the ſecond origine, or beginning from above, namely from that which they call the middle Region of the air.

Monition. But let no man underſtand what hath been ſpoken, ſo far amiſs; as if we ſhould deny the reſt of the winds alſo are brought forth of the earth by vapours. But this firſt kind was of winds which come forth of the earth, being already perfectly framed winds.

16. It hath been obſerved, that there is a murmuring of woods before we do plainly perceive the winds, whereby it is conjectured, that the wind deſcends from a higher place: which is likewiſe obſerved in Hills, (as we ſaid before) but the cauſe is more ambiguous, by reaſon of the concavity and hollowneſs of the hills.

17. Wind follows darted, or (as we call them) ſhooting ſtars, and it come that way as the ſtar hath ſhot; whereby it appears, that the air hath been moved above, before the motion comes to us.

18. The opening of the Firmament, and diſperſion of Clouds, are Prognoſticks of winds, before they blow here on earth, which alſo ſhews that the winds begin above.

19. Small ſtars are not ſeen before the riſing of winds, though the night be clear and fair. Becauſe (it ſhould ſeem) the Air grows thick, and is leſs tranſparent, by reaſon of that matter which afterward is turned into wind.

20. There appears Circles about the body of the Moon, the Sun looks ſometimes blood red at its ſetting, the Moon riſes red at her fourth riſing; and there are many more Prognoſticks of winds on high (whereof we will ſpeak in its proper place) which ſhews that the matter of the winds is there begun and prepared.

21. In theſe Experiments you muſt note, that difference we ſpake of; namely of the two-fold generation of winds on high: that is to ſay, before the gathering together of vapours into a Cloud, and after. For the Prognoſticks of Circles about, and colours of the Sun and Moon, have ſomething of the Cloud: but that darting, and occultation of the leſſer ſtars, is in fair and clear weather.

22. When the wind comes out of a Cloud ready formed, either the Cloud is totally diſperſed, and turned into wind; or it is torn and rent in ſunder, and the wind breaks out, as in a ſtorm.

23. There are many Indirect Experiments in the world, concerning the repercuſſion by cold. So that it being certain, that there are moſt extream colds in the middle region of the Air: it is likewiſe plain, that vapours for the moſt part cannot break through that place without being joined and gathered together, or darted according to the opinion of the Ancients, which in this particular is true and ſound.

The third local beginning of winds, is of thoſe which are ingendred here in the lower part of the air, which we alſo call ſwellings or overburthenings of the Air. A thing very familiar and frequent, yet paſſed over with ſilence.

A *Commentation.* The generation of thoſe winds which are made up in this lower part of the Air, is a thing no more obſcure than this: namely, that the Air newly compoſed and made up of water, and attenuated and reſolved vapours, joined with the firſt Air, cannot be contained within the ſame bounds as it was before, but groweth out and is turned, and takes up further room. Yet there are in this two things to be granted.

Firſt, that one drop of water turned into air (whatſoever they fabulouſly ſpeak of the tenth proportion of the Elements) requires, at leaſt a hundred times more room than it had before. Secondly, that a little new air, and moved, added to the old air, ſhaketh the whole, and ſets it into motion: as we may perceive by a little wind that comes forth of a pair of Bellows, or in at a little creviſe of a window or wall; that will ſet all the air which is in a room in motion, as appears by the blazing of the lights which are in the ſame room.

24. As Dews and Miſts are ingendred here in the lower air, never coming to be Clouds, nor penetrating to the middle region of the Air: in the like manner are alſo many winds.

25. A continual gale blows about the ſea, and other waters, which is nothing but a ſmall wind newly made up.

26. The Rain-bow, which is as it were the loweſt of Meteors, and neareſt to us, when it doth not appear whole, but curtailed, and as it were only ſome pieces of the horns of it, is diſſolved into winds, as often, or rather oftner than into rain.

27. It hath been obſerved, that there are ſome winds in Countrys which are divided and ſeparated by hills; which ordinarily blow on the one ſide of the hills, and do not reach to the other. Whereby it manifeſtly appears that they are engendred below the height of the ſaid hills.

28. There are an infinite ſort of winds that blow in fair and clear days; and alſo in Countrys where it never rains; which are ingendred where they blow, and never were Clouds, nor did ever aſcend into the middle region of the air.

Indirect Experiments.

Whoſoever ſhall know how eaſily a Vapour is diſſolved into air, and how great a quantity of vapours there are; and how much room a drop of water turned into air takes up more than it did before (as we ſaid already) and how little the air will endure to be thruſt up together, will queſtionleſs affirm, that of neceſſity winds muſt be every where ingendred, from the very ſuperficies of the earth, even to the higheſt parts of the air. For it cannot be, that a great abundance of vapours, when they begin to be dilatated and expanded, can be lifted up to the middle region of the air, without an over-burthening of the air, and making a noiſe by the way.

Accidental generations of Winds.

To the Ninth Article.

Connexion.

WE call thoſe Accidental generations of winds, which do not make or beget the impulſive motion of winds, but with compreſſion do ſharpen it, by repercuſſion turn it, by ſinuation or winding do agitate and tumble it: which is done by extrinſecal cauſes, and the poſture of the adjoining bodies.

1. In

1. In places where there are hills which are not very high, bordering upon Valleys, and beyond them again higher hills, there is a greater agitation of the air, and ſenſe of winds, than there is in mountainous, or plain places.

2. In Cities, if there be any place ſomewhat broader than ordinary and narrow goings out, as Portals or Porches, and Croſs ſtreets, winds and freſh Gales are there to be perceived.

3. In houſes cool rooms are made by winds, or happen to be ſo, where the Air bloweth thorow, and comes in on the one ſide, and goeth out at the other: But much more if the Air comes in ſeveral ways and meets in the corners, and hath one common paſſage from thence: the vaulting likewiſe and roundneſs doth contribute much to coolneſs, becauſe the air being moved, is beaten back in every line, Alſo the winding of Porches is better than if they were built ſtraight out. For a direct blaſt, though it be not ſhut up, but hath a free egreſs, doth not make the air ſo unequal, and voluminous, and waving, as the meeting at Angles, and hollow places, and windings round, and the like.

4. After great tempeſts at Sea, an Accidental wind continues for a time, after the original is laid; which wind is made by the colliſion and percuſſion of the air, through the curling of the waves.

5. In gardens commonly there is a repercuſſion of wind, from the walls, and banks, ſo that one would imagine the wind to come the contrary way from that whence it really comes.

6. If Hills encloſe a Country on the one ſide, and the wind blows for ſome ſpace of time from the plain againſt the Hill, by the very repercuſſion of the Hill, either the wind is turned into rain, if it be a moiſt wind, or into a contrary wind, which will laſt but a little while.

7. In the turnings of Promontory, Mariners do often find changes and alterations of winds.

Extraordinary Winds, and ſudden Blaſts.

To the tenth Article.

Connexion.

SOme men diſcourſe of extraordinary winds, and derive the cauſes of them; of Clouds breaking, or ſtorms, *Vortice*, *Typhone*, *Preſtere*; Or in Engliſh, Whirl-winds. But they do not relate the thing it ſelf, which muſt be taken out of Chronicles and ſeveral Hiſtories.

1. Sudden blaſts never come in clear weather, but always when the ſky is cloudy, and the weather rainy. That it may juſtly be thought that there is a certain eruption made; The blaſt driven out, and the waters ſhaken.

2. Storms which come with a Miſt and a Fog, and are called *Belluæ*, and bear up themſelves like a Column, are very vehement, and dreadful to thoſe who are at ſea.

3. The greater *Typhones*, who will take up at ſome large diſtance, and ſup them, as it were upward, do happen but ſeldom, but ſmall whirlwinds come often.

4. All ſtorms and *Typhones*, and great Whirlwinds, have a manifeſt precipitous motion, or darting downwards, more than other winds; ſo

as they ſeem to fall like Torrents, and run as it were in Channels, and be afterward reverberated by the earth.

5. In Meadows, Haycocks, are ſometimes carryed on high; and ſpread abroad there like Canopies: Likewiſe in Fields, Cocks of Peaſe, reaped Wheat, and cloaths laid out to drying, are carried up by Whirl-winds as high as tops of Trees and Houſes, and theſe things are done without any extraordinary force, or great vehemency of wind.

6. Alſo ſometimes there are very ſmall whirl-winds, and within a narrow compaſs, which happen alſo in fair clear weather; ſo that one that rides may ſee the duſt, or ſtraws taken up, and turned cloſe by him, yet he himſelf not feel the wind much; which things are done queſtionleſs near unto us, by contrary blaſts driving one another back, and cauſing a circulation of the air by concuſſion.

7. It is certain, that ſome winds do leave manifeſt ſigns of burning and ſcortching in Plants. But *Preſterem*, which is a kind of dark Lightning, and hot air without any flame, we will put off to the Inquiſition of Lightning.

Helps to Winds; namely, to Original Winds: for of accidental ones we have enquired before.

To the 11, 12, 13, 14, 15 *Articles.*

Connexion.

THoſe things which have been ſpoken by the Ancients, concerning Winds and their cauſes, are meerly confuſed and uncertain, and for the moſt part untrue: and it is no marvel, if they ſee not clear that look not near. They ſpeak as if wind were ſomewhat elſe, or a thing ſeveral from moved air; and as if exhalations did generate and make up the whole body of the winds; and as if the matter of winds were only a dry and hot exhalation; and as if the beginning of the motion of winds were but only a caſting down and percuſſion by the cold of the middle Region, all fantaſtical and arbitrary opinions: yet out of ſuch threds they weave long pieces, namely, Cobwebs. But all impulſion of the Air is wind; and Exhalations mixed with the air contribute more to the motion than to the matter: and moiſt vapours, by a proportionate heat, are eaſilier diſſolved into wind than dry Exhalations, and many winds are engendred in the loweſt Region of the Air, and breath out of the earth, beſides thoſe which are thrown down and beaten back.

1. The Natural wheeling of the air (as we ſaid in the *Article of General Winds*) without any other external cauſe bringeth forth winds preceptible within the Tropicks, where the Converſion is ingreater Circles.

2. Next to the Natural Motion of the Air, before we enquire of the Sun (who is the chief begetter of winds) let us ſee whether any thing ought to be attributed to the Moon, and other Aſters by clear experience.

3. There ariſe many great and ſtrong winds ſome hours before the Eclipſe of the Moon; ſo that if the Moon be Eclipſed in the middle of the night, the winds blow the precedent evening: if the Moon be Eclipſed towards the morning, then the winds blow in the middle of the precedent night.

In

4. In *Peru*, which is a very windy Country, *Acosta* observes that winds blow most when the Moon is at the full.

Injunction. It were certainly a thing worthy to be observed, what power the Ages and Motions of the Moon have upon the winds, seeing they have some power over the waters. As for example, whether the winds be not in a greater commotion in full and new Moons, than in her first and last Quarters, as we find it to be in the flowings of waters: For though some do conveniently feign the command of the Moon to be over the waters, as the Sun and Planets over the air, yet it is certain, that the water and the air are very Homogeneal bodies, and that the Moon next to the Sun hath most power over all things here below.

5. It hath been observed by men, that about the Conjunctions of Planets greater winds do blow.

6. At the rising of *Orion* there rise commonly divers winds and storms. But we must advise whether this be not because *Orion* rises in such a season of the year as is most effectual for the generation of winds; so that it is rather a concomitant than causing thing. Which may also very well be questioned concerning rain at the rising of the *Hyades* and the *Pleiades*, and concerning storms at the rising of *Arcturus*. And so much concerning the Moon and Stars.

7. The Sun is questionless the primary efficient of many winds, working by its heat on a twofold matter, namely, the body of the air, and likewise vapours and exhalations.

8. When the Sun is most powerful, dilatates and extends the air, though it be pure and without any commixion one third part, which is no small matter; so that by meer dilaration there must needs arise some small wind in the Suns ways; and that rather two or three hours after its rising, than at his first rise.

9. In *Europe* the nights are hotter, in *Peru* three hours in the morning, and all for one cause, namely, by reason of winds and gales ceasing and lying still at those hours.

10. In a *Vitro Calendari*, dilatated or extended air beats down the water as it were with a breath: but in a *Vitro Pileato*, which is filled only with air, the dilatated air swells the Bladder, as a manifest and apparent wind.

11. We have made trial of such a kind of wind in a round Tower, every way closed up. For we have placed a hearth or fire-place in the middest of it, laying a fire of Charcoal throughly kindled upon it, that there might be the less smoak, and on the side of the hearth, at a small distance, hath been a thread hung up with a cross of Feathers, to the end that it might easily be moved. So after a little stay the heat increasing, and the Air dilatating, the thread and the Feather cross which hung upon it waved up and down in a various motion: and having made a hole in the window of the Tower, there came out a hot breath, which was not continual, but with intermission and waving.

12. Also the reception of Air by cold, after dilatation begets such a wind, but weaker, by reason of the lesser force of cold. So that in *Peru* under every little shadow we find not only more coolness than here with us (by Antiperistasis) but a manifest kind of gale through the reception of air when it comes into the shade. And so much concerning wind occasioned by meer dilatation or reception of Air.

13. Winds

13. Winds proceeding from the meer motion of the air without any commixion of vapours, are but gentle and ſoft. Let us ſee what may be ſaid concerning Vaporary winds, (we mean ſuch as are engendred by vapours) which may be ſo much more vehement than the other, as a dilatation of a drop of water turned into air, exceeds any dilatation of Air already made: which it doth by many degrees, as we ſhewed before.

14. The efficient cauſe of vapourary winds, (which are they that commonly blow) is the Sun, and its proportionate heat: the matter is Vapors and Exhalations which are turned and reſolved into Air. I ſay Air (and not any thing but Air) yet at the firſt not very pure.

15. A ſmall heat of the Sun doth not raiſe Vapours, and conſequently cauſes no wind.

16. A mean, or middle heat of the Sun raiſeth and excites vapours, but doth not preſently diſſipate them. Therefore if there be any great ſtore of them, they gather together into rain, either ſimply of it ſelf, or joined with wind: if there be but ſmall ſtore of them, they turn only to wind.

17. The Suns heat in its increaſe, inclines more to the generation of winds, in its decreaſe of rains.

18. The great and continued heat of the Sun, attenuates and diſperſes vapours and ſublimes them, and withal equally mixes and incorporates them with the Air, wherby the Air becomes calm and ſerene.

19. The more equal and continuate heat of the Sun is leſs apt for the generation of winds: that which is more unequal and intermitted, is more apt. Wherefore in ſailing into *Ruſſia* they are leſs troubled with winds than in the Britiſh Sea, becauſe of the length of the days: but in *Peru* under the Equinoctial are frequent winds, by reaſon of the great inequality of heat, taking turns night and day.

20. In Vapours is to be conſidered both the quantity and quality. A ſmall quantity engenders weak winds, a mean or middle ſtore ſtronger; great ſtore engenders rain, either calm, or accompanied with wind.

21. Vapours out of the Sea and Rivers, and over-flown Mariſhes, engender far greater quantity of winds than the exhalations of the earth. But thoſe winds which are engendred on the land, and dry places are more obſtinate and laſt longer, and are for the moſt part ſuch as are caſt down from above. So that the opinion of the Ancients in this is not altogether unprofitable: but only that it pleaſed them, as in a manner dividing the inheritance, to aſſign rain to Vapours, and to winds, exhalations only, which things ſound handſomly, but are vain in effect and ſubſtance.

22. Winds brought forth out of the reſolutions of Snow lying upon Hills, are of a mean condition between Water and Land winds; but they incline more to water; yet they are more ſharp and moveable.

23. The diſſolution of Snow on Snowy Hills, (as we obſerved before) always brings conſtant winds from that part.

24. Alſo yearly Northern winds about the riſing of the Dog-ſtar, are held to come from the frozen Ocean, and thoſe parts about the Artick Circle, where the Diſſolutions of Snow and Ice come late when the Summer is far ſpent.

25. Thoſe maſſes or mountains of Ice which are carried towards *Canada* and *Greenland*, do rather breed cold Gales, than moveable winds.

26. Winds

26. Winds which ariſe from chalky and ſandy grounds are few and dry, and in hotter Countrys they are ſoultry, ſmoaky, and ſcorching.

27. Winds made of Sea vapours, do eaſilier turn back into rain, the water re-demanding and claiming its right: and if this be not granted them, they preſently mix with Air, and ſo are quiet. But terreſtrial, ſmoaky and unctuous vapours, are both hardlier diſſolved, and aſcend higher, and are more provoked in their motion, and oftentimes penetrate the middle Region of the Air, and ſome of them are matter of fiery Meteors.

28. It is reported here in *England*, that in thoſe days that *Gaſcoine* was under our juriſdiction, there was a Petition offered to the King by his ſubjects of *Burdeaux*, and the Confines thereof, deſiring him to forbid the burning of heath in the Counties of *Suſſex* and *Southampton*, which bred a wind towards the end of *April* which killed their Vines.

29. The meeting of winds, if they be ſtrong, bring forth vehement and whirling winds: if they be ſoft and moiſt, they produce rain, and lay the wind.

30. Winds are allayed and reſtrained five ways. When the Air overburthened, and troubled, is freed by the vapours contracting themſelves into rain: Or when vapours are diſperſed, and ſubtilized, whereby they are mixed with the air, and agree fairly with it, and they live quietly: Or when vapours or Fogs are exalted and carried upon high, ſo that they cauſe no diſturbance, until they be thrown down from the middle Region of the Air, or do penetrate it. Or when vapours gathered into Clouds, are carried away into other Countrys, by other winds blowing on high: ſo that for them there is peace in thoſe Countrys which they flie beyond: Or laſtly, when the winds blowing from their nurſeries, languiſh through a long voyage, finding no new matter to feed on, and ſo their vehemency forſakes them, and they do as it were expire and dye.

31. Rain for the moſt part allayeth winds, eſpecially thoſe which are ſtormy: as winds contrariwiſe oftentimes keep off rain.

32. Winds do contract themſelves into rain, (which is the firſt of the five, and the chiefeſt means of allaying them) either being burthened by the burthen it ſelf, when the vapours are copious, or by the contrary motions of winds, ſo they be calm and mild; or by the oppoſition of mountains and Promontories which ſtop the violence of the winds, and by little and little turn them againſt themſelves; or by extream colds, whereby they are condenſed and thickned.

33. Smaller and lighter winds do commonly riſe in the morning, and go down with the Sun, the condenſation of the night Air being ſufficient to receive them: for Air will endure ſome kind of compreſſion without ſtirring or tumult.

34. It is thought that the ſound of Bells will diſperſe Lightning and Thunder: in winds it hath not been obſerved.

Monition. Take advice from the place in Prognoſticks of winds; for there is ſome connexion of cauſes and ſigns.

35. *Pliny* relates, that the vehemence of a Whirl-wind may be allayed by ſprinkling of Vinegar in the encounter of it.

The Bounds of VVinds.

To the 16, 17, 18. *Articles.*

1. IT is reported of Mount *Athos*,& likewiſe of *Olimpus*,that the Prieſts would write in the aſhes of the Sacrifices which lay upon the Altars, built on the tops of thoſe hills, and when they returned the year following,(for the Offerings were Annual) they found the ſame letters undiſturbed,and uncancelled; though thoſe Altars ſtood not in any Temple, but in the open Air. Whereby it was manifeſt, that in ſuch a height there had neither fallen rain, nor wind blown.

2. They ſay that on the top of the Peak of *Teneriff*, and on the *Andes*, betwixt *Peru*, and *Chile*, ſnow lyeth upon the borders, and ſides of the hills; but that on the tops of them there is nothing but a quiet and ſtill Air, hardly breathable by reaſon of its tenuity, which alſo with a kind of Acrimony pricks the eyes and orifice of the ſtomack, begetting in ſome a deſire to vomit, and in others a fluſhing and redneſs.

3. Vaporary winds ſeem not in any great height, though it be probable that ſome of them aſcend higher than moſt clouds. Hitherto of the height, now we muſt conſider of the Latitude.

4. It is certain, that thoſe ſpaces which winds take up, are very various, ſometimes they are very large, ſometimes little and narrow: winds have been known to have taken up an hundred miles ſpace with a few hours difference.

5. Spacious winds(if they be of the free kind) are for the moſt part vehement and not ſoft, and more laſting; for they will laſt almoſt four and twenty hours. They are likewiſe not ſo much inclined to rain. Straight or narrow winds contrariwiſe, are either ſoft or ſtormy, and always ſhort.

6. Fixed and ſtayed winds are itinerary or travelling, and take up very large ſpaces.

7. Stormy winds do not extend themſelves into any large ſpaces, though they always go beyond the bounds of the ſtorm it ſelf.

8. Sea winds always blow within narrower ſpaces than earth winds, as may ſometimes be ſeen at ſea, namely, a pretty freſh gale in ſome part of the water (which may be eaſily perceived by the criſping of it) when there is a calm, as ſmooth as Glaſs, every where elſe.

9. Small whirlwinds (as we ſaid before) will ſometimes play before men as they are riding, almoſt like wind out of a pair of bellows. So much of the Latitude; now we muſt ſee concerning the laſtingneſs.

10. The vehement winds will laſt longer at Sea, by reaſon of the ſufficient quantity of vapours: at land they will hardly laſt above a day and an half.

11. Very ſoft winds will not blow conſtantly, neither at ſea,nor upon the land above three days.

12. The ſouth wind is not only more laſting than the weſt, (which we ſet down in another place) but likewiſe what wind ſoever it be that begins to blow in the morning, uſeth to be more durable and laſting than that which begins to blow at night.

13. It is certain that winds do riſe, and increaſe by degrees, (unleſs they be meer ſtorms) but they allay ſooner, ſometimes as it were in an inſtant. Succeſ-

Succeſſions of Winds.

To the 19, 20, 21 *Articles.*

1. IF the Wind doth change according to the motion of the Sun, that is from Eaſt to South, from South to Weſt, from Weſt to North, from the North to the Eaſt, it doth not return often, or if it doth, it doth it but for a ſhort time. But if it go contrary to the motion of the Sun, that is from the Eaſt to the North, from the North to the Weſt, from the Weſt to the South, and from the South to the Eaſt, for the moſt part it is reſtored to its firſt quarter, at leaſt before it hath gone round its whole compaſs and circuit.

2. If rain begin firſt, and the wind begins to blow afterwards, that wind will outlaſt the rain: but if the wind blow firſt, and then is allayed by the rain, the wind for the moſt part will not riſe again; and if it does, there enſues a new rain.

3. If winds do blow variouſly for a few hours, and as it were to make a trial, and afterward begin to blow conſtantly, that wind ſhall continue for many days.

4. If the South wind begin to blow two or three days, ſometimes the North wind will blow preſently after it. But if the North wind blows as many days, the ſouth wind will not blow, until the wind have blown a little from the Eaſt.

5. When the year is declining, and Winter begins after Autumn is paſt, if the Southwind blows in the beginning of winter, and after it comes the North-wind, it will be a froſty winter: But if the North wind blow in the beginning of winter, and the South-wind come after, it will be a mild and warm winter.

6. *Pliny* quotes *Eudoxus*, to ſhew that the order of winds returns after every four years, which ſeems not to be true, for revolutions are not ſo quick. This indeed hath been by ſome mens diligence obſerved, that greateſt and moſt notable ſeaſons (for heat, ſnow, froſt, warm winters, and old ſummers) for the moſt part return after the revolution of five and thirty years.

The Motion of the Winds.

To the 22, 23, 24, 25, 26, 27 *Articles.*

Connexion.

MEn talk as if the wind were ſome body of it ſelf, and by its own force did drive and agitate the air. Alſo when the wind changes its place, they talk as if it did tranſport it ſelf into another place. This is the vulgars opinion; yet the Philoſophers themſelves apply no remedy thereunto, but they likewiſe ſtammer at it, and do not any way contradict and oppoſe theſe errors.

1. We muſt therefore enquire concerning the raiſing of the motion of the winds, and of the Direction of it, having already enquired of the local beginnings. And of thoſe winds which have their beginning of motion in their firſt impulſion, as in thoſe which are caſt down from above, or blow out of the earth, the raiſing of their motion is manifeſt: others deſcend below their own beginnings; others aſcend, and being reſiſted by

the Air, become voluminous, especially near the Angles of their violence. But of those which are engendred every where in this inferiour Air, (which are the frequentest of all the winds) the Inquisition seems to be somewhat obscure, although it be a vulgar thing, as we have set down in the Commentation under the eighth Article.

2. We found likewise an image or representation of this in that close Tower which we spake of before. For we varied that trial three ways. The first was that which we spake of before; namely, a fire of clear burning coals. The second was a Kettle of seething water, the fire being set away, and then the motion of the cross of Feathers was more slow and dull. The third was with both fire and Kettle; and then the agitation of the Cross of Feathers was very vehement, so that sometimes it would whirle up and dowu, as if it had been in a petty whirlwind, the water yielding store of vapours, and the fire which stood by it dissipating and dispersing them.

3. So that the chief cause of exciting motion in the winds is the overcharging of the air, by a new addition of air engendred by vapours. Now we must see concerning the direction of the motion, and of the whirling, which is a chang of the direction.

4. The Nurseries and food of the winds doth govern their progressive motion: which nurseries and feedings are like unto the springs of rivers; namely, the places where there are great store of vapours, for there is the native Country of the winds. Then when they have found a Current, where the air makes no resistance, (as water when it finds a falling way) then whatsoever semblable matter they find by the way, they take into their fellowship, and mix it with their Currents even as Rivers do. So that the winds blow always from that side where their Nurseries are which feed them.

5. Where there are no notable Nurseries in any certain place, the winds stray very much, and do easily change their Current, as in the middle of the sea, and large spacious fields.

6. Where there are great nurseries of the winds in one place, but in the way of its progress it hath but small additions, there the winds blow strongly in their beginnings, and by little and little they allay. And contrariwise, where they find good store of matter to feed on by the way, they are weak in the beginning, but gather strength by the way.

7. There are moveable nurseries for the winds, namely, in the Clouds, which many times are carried far away from the Nurseries of vapours, of which those Clouds were made, by winds blowing high: then the Nursery of the wind begins to be in that place where the Clouds do begin to be dissolved into wind.

8. But the whirling of winds does not happen, because the wind which blows at first transports it self; but because either that is allayed and spent, or brought into order by another wind: And all this business depends on the various placings of the Nurseries of winds, and variety of times, when vapours issuing out of these Nurseries are dissolved.

9. If there be Nurseries of winds on contrary parts, as one Nursery on the South, another on the North-side, the strongest wind will prevail; neither will there be contrary winds, but the stronger wind will blow continually, though it be somewhat dulled and tamed by the weaker wind: as it is in Rivers, when the flowing of the sea comes in; for the Sea's motion prevails, and is the only one, but it is somewhat curbed by the

the motion of the river. And if it ſo happen, that one of thoſe contrary winds, namely, that which was the ſtrongeſt be allayed, then preſently the contrary will blow, from that ſide where it blew before, but lay hidden under the force and power of the greater.

10. As for example, if the Nurſery be at the North-East, the North-East wind will blow. But if there be two Nurſeries of winds, namely, another in the North, thoſe winds for ſome tract of way will blow ſeverally; but after the angle of confluence where they come together, they will blow to the North-East, or with ſome inclination, according as the other Nurſery ſhall prove ſtronger.

11. If there be a Nurſery of wind on the North-ſide, which may be diſtant from ſome Country twenty miles, and is the ſtronger; another on the East-ſide, which is diſtant ſome ten miles, and is weaker: Yet the East-wind ſhall blow for ſome hours, and a while after (namely, when its journy is ended) the North wind.

12. If the Northern wind blow, and ſome Hill ſtands in the way of it on the Weſt ſide, a little while after the North-East wind will blow, compounded by the original, and that which is beaten back again.

13. If there be a Nurſery of winds in the earth on the Northern ſide, and the breath thereof be carried directly upward, and it find a cold Cloud on the Weſt ſide which turns it off the contrary way, there will blow a North-East wind.

14. *Monition.* Nurſeries of winds in Sea and Land are conſtant, ſo that the ſpring and beginning of them may be the better perceived: But the Nurſeries of winds in the Clouds are moveable, ſo that in one place there is matter furniſhed for the winds, and they are formed in another: which makes the direction of motion in winds, to be more confuſed and uncertain.

Thoſe things we have produced for examples ſake, the like are after the like manner: And hitherto of the direction of the motion of winds: Now we muſt ſee concerning the Longitude, and as it were the Itinerary or journy of the winds, though it may ſeem we have already enquired of this under the notion of the Latitude of winds: For Latitude may by unlearned men alſo be taken for Longitude, if winds take up more ſpace Laterally than they go forward in Longitude.

14. If it be true that *Columbus* could upon the Coaſts of *Portugal*, judge of the Continent of *America* by the conſtant winds from the Weſt, truly the winds can travel a long journy.

15. If it be true that the diſſolution of Snows about the frozen ſeas and *Scandia*, do excite and raiſe Northerly winds in *Italy*, and *Greece*, &c. in the Dog days; ſurely theſe are long journeys.

16. It hath not yet been obſerved how much ſooner a ſtorm does arrive, according to the way it comes, (as for example, if it be an Eaſtern wind) how much ſooner it comes from the East, and how much later from the Weſt. And ſo much concerning the motion of winds in their progreſſion or going forward: now we muſt ſee concerning the Undulation or ſwelling of winds.

17. The Undulation or ſwelling of winds is done in a few moments: So that a wind will (though it be ſtrong) riſe and fall by turns, at the leaſt a hundred times in an hour. Whereby it appears that the violence of winds is unequal; for neither Rivers, though ſwift, nor Currents in the Sea, though ſtrong, do riſe in waves, unleſs the blowing of wind be joined

ed thereunto: Neither hath the ſwelling of winds any equality in it ſelf. For like unto the pulſe of ones hand, ſometimes it beats, and ſometimes it intermits.

The Undulation or ſwelling of the air, differs from the ſwelling of waters into waves in this, that in waters after the waves are riſen on high, they of themſelves, and their own accord, do again fall to the place of them; whence it comes that (whatſoever Poets ſay when they aggravate tempeſts, namely, that the waves are raiſed up to heaven, and again ſink down to hell) the deſcent of the waves do not precipitate much below the plane and ſuperficies of the water. But in the ſwelling of the air, where the motion of gravity or weight is wanting, the air is thruſt down and raiſed almoſt in an equal manner. And thus much of Undulation; Now we muſt enquire of the motion of Conflict or Striving.

19. The Conflicts of winds, and compounded Conflicts we have partly enquired already. It is plain that winds are Ubiquitary, eſpecially the mildeſt of them. Which is likewiſe manifeſt by this, that there are few days and hours wherein ſome gales do not blow in free places, and that inconſtantly and variouſly enough. For winds which do not proceed from greater Nurſeries are vagabond and voluble, as it were playing one with the other; ſometimes driving forward, and ſometimes flying back.

20. It hath been ſeen ſometimes at Sea, that winds have come from contrary parts together, which was plainly to be perceived by the perturbation of the water on both ſides, and the calmneſs in the middle between them: but after thoſe contrary winds have met, either there hath followed a general calm of the water every where, namely, when the winds have broken and quelled one another equally; or the perturbation of the water hath continued, namely, when the ſtronger Wind hath prevailed.

21. It is certain, that in the mountains of *Peru* it hath often chanced that the winds at one time have blown on the tops of the Hills one way, and in the Valleys the clean contrary way.

22. It is likewiſe certain here with us, that the Clouds are carried one way, when the wind near us hath blown the contrary way.

23. That is likewiſe certain, that ſometimes the higher Clouds will out-flie the lower Clouds, ſo that they will go diverſe, yea, and contrary ways, as it were in contrary Currents.

24. It is likewiſe certain, that ſometimes in the higher part of the air winds have been neither diſtracted, nor moved forward; when here below they have been driven forward with a mad kind of violence, for the ſpace of half a mile.

25. And it is likewiſe certain, that contrariwiſe, that here below the air hath been very ſtill, when above the Clouds have been carried with a freſh and merry gale: But that happens more ſeldom.

An Indirect Experiment.

Likewiſe in waves ſometimes the upper water is ſwifter, ſometimes the lower; and ſometimes there are (but that is ſeldom) ſeveral Currents of water, of that which is uppermoſt, and that which lyeth beneath.

26. Nor are *Virgils* teſtimonies altogether to be rejected, he being not utterly unskilful in Natural Philoſophy.

Together

Together ruſh the Eaſt and South-Eaſt wind,
Nor doth wave calling South-Weſt ſtay behind.

And again,
All the winds have ſeen their battels join.

We have conſidered of the Motions of winds, in the nature of things: we muſt now conſider their Motions in humane Engines; and firſt of all in the Sails of Ships.

The Motion of Winds in the Sails of Ships.

1. IN our greateſt *Brittain* Ships (for we have choſen thoſe for our pattern) there are four Maſts, and ſometimes five, ſet up one behind the other, in a direct line drawn through the middle of the ſhip. Which Maſts we will name thus;

2. The main Maſt, which ſtands in the middle of the ſhip: the fore-Maſt, the Mizon-Maſt, (which is ſometimes double) and the Sprit Maſt.

3. Each Maſt conſiſts of ſeveral pieces, which may be lifted up, and faſhioned with ſeveral knots and joints, or taken away; ſome have three of them, ſome only two.

4. The Sprit-ſail Maſt from the lower joint lies bending over the Sea, from that it ſtands upright; all the other Maſts ſtand upright.

5. Upon theſe Maſts hang ten Sails, and when there be two Mizon-Maſts twelve: the Main-Maſt and fore-Maſt have three tires of ſails, which we will call the Main-ſail, the top ſail, and the Main top ſail: The reſt have but two, wanting the main top ſail.

6. The ſails are ſtretched out a croſs, near the top of every joint of the Maſt, by certain beams which we call Yards, to which the upper parts of the ſails are faſtened, the lower parts are faſtened with Ropes at each corner; the main ſails to the ſides of the ſhip, top and main top ſails to the Yards which are next below them.

7. The Yard of every Maſt hangs a croſs, only the Yards of the Mizon-Maſts hang ſloping, one end up and the other down, in the reſt they hang ſtraight a-croſs the Maſts like unto the Letter T.

8. The Main ſails of the main-Maſt, fore-Maſt, and boar-Sprit, are of a Quadrangular Parallelogram form; the top, and main top ſails ſomewhat ſharp, and growing narrow at the top; but the top Mizon ſails are ſharp, the lower or main ſails triangular.

9. In a ſhip of eleven hundred Tun, and was one hundred and twelve foot long in the Keel, and forty in breadth in the Hold: the main ſail of the main Maſt waſt two and forty foot deep, and eighty ſeven foot broad.

10. The top ſail of the ſame Maſt was fifty foot deep, and eighty four foot broad at the bottome, and forty two at the top.

11. The main top ſail was ſeven and twenty foot deep, and two and forty broad at the bottome, and one and twenty at the top.

12. The fore-Maſt main ſail was forty foot and a half deep, and ſeventy two foot broad.

13. The top ſail was ſix and forty foot and a half deep, and ſixty nine foot broad at the bottom, and ſix and thirty at the top.

14. The

14. The main top ſail was four and twenty foot deep, ſix and thirty foot broad at the bottom, and eighteen foot at the top.

15. The Mizon main ſail was on the upper part of the Yard one and fifty foot broad, in that part which was joined to the Yard ſeventy two foot, the reſt ending in a ſharp point.

16. The top ſail was thirty foot deep, fifty ſeven foot broad at the bottom, and thirty foot at the top.

17. If there be two Mizon-Maſts, the hindermoſt ſails are leſs than the formoſt about the fifth part.

18. The main ſail of the Boar-Spirit was eight and twenty foot deep and a half, and ſixty foot broad.

19. The top ſail five and twenty foot and a half deep, and ſixty foot broad at the bottom, and thirty at the top.

20. The proportions of Maſts and ſails do vary, not only according to the bigneſs of Ships, but alſo according to the ſeveral uſes for which they are built: Some for fighting, ſome for Merchandize, ſome for ſwiftneſs, &c. But the proportion of the dimenſion of ſails is no way proportioned to the number of Tuns whereof the Ships conſiſt, ſeeing a Ship of five hundred Tuns or thereabout, may bear almoſt as large a ſail as the other we ſpake of, which was almoſt as big again. Whence it proceeds that leſſer ſhips are far ſwifter and ſpeedier than great ones, not onely by reaſon of their lightneſs, but alſo by reaſon of the largeneſs of their ſails, in reſpect of the body of the ſhip: for to continue that proportion in bigger ſhips would be too vaſt, and impoſſible a thing.

21. Each ſail being ſtretched out at the top, and only tyed by the corners at the bottom, the wind muſt needs cauſe it to ſwell, eſpecially about the bottome where it is ſlacker.

22. The ſwelling if far greater in the lower ſails than in the upper, becauſe they are not only Parrallelograms, and the other more pointed at the top, but alſo becauſe the extent of the Yard doth ſo far exceed the breadth of the ſhip ſides to which they are faſtned, that of neceſſity, becauſe of the looſneſs, there muſt be a great receipt for the wind; ſo that in the great which we propoſed for an example, the ſwelling of the ſail in a direct wind may be nine or ten foot inward.

23. By the ſame reaſon it alſo happens, that all ſails which are ſwelled by the wind, do gather themſelves into a kind of Arch or bow, ſo that of neceſſity much wind muſt ſlip thorow: inſomuch, that in ſuch a ſhip as we made mention of, that Arch may be as high as a man.

24. But in the triangular ſail of the Mizon Maſt, there muſt of neceſſity be a leſſer ſwelling than in the quadrangular; as well becauſe that figure is leſs capable, as alſo becauſe that in the quadrangular three ſides are ſlack and looſe, but in the triangular only two, ſo that the wind is more ſparingly received.

25. The motion of the wind in ſails, the nearer it comes to the Beak of the ſhip, the ſtronger it is, and ſets the ſhip more forward; partly becauſe it is in a place, where becauſe of the ſharpneſs of the Beak head the waves are eaſilier cut in ſunder; but chiefely, becauſe the motion at the Beak draws on the ſhip, the motion from the Stern and back part of the ſhip doth but drive it.

26. The motion of the winds in the Sails of the upper tire, advances more than that in the lower tire, becauſe a violent motion is moſt violent when it is fartheſt removed from reſiſtance, as in the Wings and Sails of Windmills;

Windmills; but there is danger of drowning or over-turning the ſhip: wherefore thoſe Sails are made narrower at the top, that they ſhould not take in too much wind, and are chiefly made uſe of when there is not much wind.

27. Sails being placed in a direct line, one behind the other, of neceſſity thoſe ſails which ſtand behind muſt ſteal the wind from the foremoſt, when the wind blows fore-right; wherefore if they be all ſpread out at once, the force of the wind hath ſcarce any power but in the main Maſt ſails, with little help of the lower ſails of the Boar Sprit.

28. The beſt and moſt convenient ordering of ſails in a direct wind, is, to have the two lower ſails of the fore-Maſt hoiſed up: for there (as we ſaid before) the motion is moſt effectual, let alſo the top ſail of the main Maſt be hoiſed up: for there will be ſo much room left under it, that there may be wind ſufficient for the fore ſails, without any notable ſtealing of the wind from them.

29. By reaſon of the hinder ſails ſtealing of the wind away from the fore ſails, we ſail ſwifter with a ſide wind than with a fore wind. For with a ſide wind all the ſails may be made uſe of, for they turn their ſides to one another, and ſo hinder nor rob not one another.

30. Likewiſe when a ſide wind blows, the ſails are ſtiffier ſtretched out againſt the wind, which ſomewhat reſtrains the wind, and ſends it that way as it ſhould blow, whereby it gains ſome ſtrength But that wind is moſt advantagious which blows cornerly between a fore wind, and a ſide wind.

31. The lower Boar ſprit ſail can hardly ever be unuſeful, for it can not be robbed from gathering the wind which way ſoever it doth blow, either about the ſhip ſides, or under the reſt of the ſails.

32. There is conſiderable in the motion of winds in ſhips, both the impulſion and direction of them: For that direction which is made by the Helm doth not much belong to the preſent Inquiſition but only as it hath a Connexion, with the motion of the winds in the ſails.

Connexion. As the motion of Impulſion or driving forward is in force at the Beak, ſo is the motion of Direction in the Poop; therefore for that the lower Mizon-Maſt ſail is of greateſt concernment, for it is as it were an aſſiſtant to the Helm.

33 Seeing the Compaſs is divided into two and thirty Points, ſo that the Semicircles of it are ſixteen points, there may be be a progreſſive ſailing (without any caſting aboard, which is uſed when the wind is clean contrary) though of the ſixteen parts there be but ſix favourable, and the other ten contrary. But that kind of ſailing depends much upon the lower ſail, of the Mizon-Maſt. For whilſt the adveſe parts of the wind being more powerful and not to be oppoſed by the Helm alone, would turn the other ſails, and the ſhip it ſelf againſt its intended courſe, that ſail being ſtiffly ſtretched, favouring the Helm, and ſtrengthening its motion, turns the Beak into the way of its courſe.

34. All manner of wind in the ſails doth ſomewhat burden and depreſs the ſhip, and ſo much the more, when it blows moſt from above. So that in greateſt ſtorms, firſt they lower their yards, and take away the upper ſails, and if need be all the reſt, cut down the Maſts, caſt their goods into the Sea, and their Ordinance, *&c.* to lighten the ſhip and make it ſwim, and give way to the waves.

35. By this motion of the winds in the ſails of ſhips, (if it be a merry and proſperous gale) a Merchants ſhip may ſail ſixſcore *Italian* miles in four and twenty hours; for there are certain Packet Boats which are built a purpoſe for ſwiftneſs, (that are called *Caravels*) which will go further. But when the wind is clean contrary, they flie to this laſt refuge, and a very weak one, to go on their courſe; namely to proceed ſide-way, as the wind will ſuffer them, out of their courſe, then turn their way again towards their courſe, and ſo proceed in an Angular way. By which progreſſion (which is leſs than creeping, for Serpents creep on by crooked turnings, but they make angles) they may in four and twenty hours go fifteen miles journy.

Greater Obſervations.

1. THis Motion of winds in ſails of ſhips hath three chief Heads and Fountains of its Impulſion or driving forward, from whence it flows and derives; whence alſo Precepts may be taken to increaſe and ſtrengthen it.

2. The firſt ſpring comes from the quantity of the wind which is received: For queſtionleſs more wind helps more than leſs: wherefore the quantity of wind muſt be carefully procured; which will be done, if like wiſe houſe-holders, we be good husbands, and take care nothing be ſtoln from us. Wherefore we muſt be very careful that no wind may be loſt.

3. The wind blows either above the ſhips, or below them, to the very ſuperficies and ſurface of the Sea: And as provident men uſe to look moſt after the leaſt things, (for the greater no man can chuſe but look after) ſo we will firſt look after theſe lower winds, which queſtionleſs cannot perform ſo much as the higher.

4. As concerning the winds which blow chiefly about the ſides of the ſhips, and under their ſails, it is the office of the main Boar ſprit ſail, which lies low and ſloping, to gather them into it, that there may be no waſte nor loſs of wind: and this of it ſelf does good, and hinders not the wind which fills the other ſails: And about this I do not ſee what can be done more by the induſtry of man, unleſs they ſhould perchance fix ſuch low ſails out of the middle of the ſhip, like wings, or feathers, two on each ſide when the wind blows right.

5. But concerning the bewaring of being robbed, which happens when the hinder ſails (in a fore-right wind) ſteal the wind away from the fore-ſails, (for in a ſide-wind all the ſails are ſet a work) I know not what can be added to the care man hath already taken to prevent it, unleſs when there is a fore-wind, there may be made a kind of ſtairs or ſcale of ſails, that the hindermoſt ſails of the Mizon-Maſt may be the loweſt, the middle ones at the main-Maſt a little higher, the fore-maſt, at the fore-Maſt, higheſt of all, that one ſail may not hinder, but rather help the other, delivering and paſſing over the wind from one to another. And let ſo much be obſerved of the firſt Fountain of Impulſion.

6. The ſecond Fountain of Impulſion conſiſts in the manner of ſtriking the ſail with the wind, which if through the contraction of the wind it be acute and ſwift, will move more, if obtuſe and languiſhing, leſs.

7. As concerning this, it is of great moment, and much to the purpoſe, to let the ſails have a reaſonable extenſion and ſwelling: for if they be ſtretched

ſtretched out ſtiff, they will like a wall beat back the wind; if they be too looſe, there will be a weak Impulſion.

8. Touching this, humane Induſtry hath behaved it ſelf well in ſome things, though it was more by chance than out of any good judgment. For in a ſide wind, they gather up that part of the ſail as much as they can which is oppoſite againſt the wind: and by that means they ſet in the wind into that part where it ſhould blow. And this they do and intend. But in the mean ſeaſon this follows, (which peradventure they do not perceive) that the wind is more contracted, and ſtrikes more ſharply.

9 What may be added to humane induſtry in this, I cannot perceive, unleſs the figure of the ſails be changed, and ſome ſails be made which ſhall not ſwell round; but like a Spur or a Triangle, with a maſt or piece of timber in that corner of the top, that they may contract the wind more ſharply, and cut the outward air more powerfully. And that angle (as we ſuppoſe) muſt not be altogether ſharp, but like a ſhort obtuſe triangle, that it may have ſome breadth. Neither do we know what good it would do, if there were as it were a ſail made in a ſail; if there were in the middle of a greater ſail, there were a kind of a Purſe, not altogether looſe, of Canvas, but with ribs of wood, which ſhould take up the wind in the middle of the ſail, and bring it into a ſharpneſs.

10. The third Fountain or Original of Impulſion, is in the place where the wind hits; and that is two-fold: for from the fore-ſide of the ſhip, the Impulſion is eaſier and ſtronger than on the hinder part; and from the upper part of the Maſt, and ſail, than from the lower part.

11. Neither ſeems the Induſtry of man to have been ignorant of this, when in a fore-wind their greateſt hopes have been in their fore-Maſts, and in calms, they have not been careleſs in hoyſing up of their top ſails. Neither for the preſent do we find what may be added to humane Induſtry in this point; unleſs concerning the firſt, we ſhould ſet up two or three fore-Maſts (the firſt upright, and the reſt ſloping) whoſe ſails ſhall hang downward: and as for the ſecond, that the fore-ſails ſhould be enlarged at the top, and made leſs ſharp than they uſually are: But in both we muſt take heed of the inconvenience of danger, in ſinking the ſhip too much.

The Motion of Winds in other Engines of Mans Invention.

1. THe Motion of wind-mills hath no ſubtilty at all in it: and yet uſually it is not well explained nor demonſtrated. The ſails are ſet right and direct oppoſite againſt the wind which bloweth. One ſide of the ſail lies to the wind, the other ſide by little and little bends it ſelf, and gets it ſelf away from the wind. But the turning and continuance of the Motion is always cauſed by the lower part, namely, that which is fartheſt from the wind. But the wind over-caſting it ſelf againſt the Engine, is contracted and reſtrained by the four ſails, and is conſtrained to take its way in four ſpaces. The wind doth not well endure that compreſſion; wherefore of neceſſity it muſt as it were with its elbow hit the ſides of the ſails, and ſo turn them, even as little Whirligigs that Children play withal are turned with the fingers.

2. If the ſails were extended even and equally, it would be doubtful which way the inclination would be, as in the fall of a ſtaff; but when the nearer ſide which meets with the wind, caſts the violence of it upon the

lower ſide, and from thence into diſtances, ſo that when the lower ſide receives the wind, like the palm of the hand, or the ſail of a ſhips Boat, preſently there is a turning on that ſide. But this is to be obſerved, that the beginning of the motion proceeds not from the firſt Impulſion, which is direct, and a breaſt; but from the lateral Impulſion, which is after the compreſſion or ſtraightning of the wind.

3. We made ſome proofs and trials about this, for the increaſing of this motion, as well to be aſſured we had found the cauſe, as alſo for uſe; feigning an imitation of this Motion, with Paper Sails, and the wind of a pair of Bellows. We therefore added to the ſide of the lower ſail, a fold turned in from the wind, that the wind being become a ſide wind, might have ſomewhat more to beat upon; which did no good, that fold not ſo much aſſiſting the percuſſion of the wind, as in conſequence hindring the cutting of the air. We placed behind the ſails at ſome diſtance, certain obſtacles, as broad as the Diameter of all the ſails, that the wind being more compreſſed, might hit the ſtronger: but this did rather hurt than good, the repercuſſion dulling the primary motion. Then we made the ſails of a double breadth, that the wind might be the more reſtrained, and there might be a ſtronger lateral percuſſion; which at laſt proved very well: ſo that the Converſion was cauſed by a far milder gale, and did turn a great deal more ſwiftly.

Mandate. Peradventure this increaſe of motion might more conveniently be made by eight ſails, than by four, doubling the breadth, unleſs too much weight did over-burthen the motion: Which muſt have trial made of it.

Mandate. Likewiſe the length of ſails doth much conduce to the Motion. For in wheelings, a ſlight violence about the circumference, is equivalent to a far greater about the Center. But then this inconvenience follows, that the longer the ſails are, the more diſtant they are at the top, and the wind is ſo much the leſs ſtraightned. Peradventure the buſineſs would go well, if the ſails were a little longer and broader towards the top, like the outermoſt end of an Oar. But this we are not ſure of.

Monition. If theſe Experiments be made trial of in Wind-mills; care muſt be taken of the Wind-mill poſts, and the foundations of it: for the more the wind is reſtrained, the more it ſhakes (though it ſwiftens the motion of the ſails) the whole frame of the Mill.

4. It is reported, that in ſome Countreys there are Coaches and Waggons which move with the wind; but this muſt be more diligently looked after.

Mandate. Chariots moving by vertue of the wind, can be of no uſe, unleſs it be in open places and plains: Beſides, what will be done if the wind allays. It had been better to have thought of eaſing the Motion of Waggons and Coaches by ſails, which might be ſet up and taken down, to eaſe the Oxen or Horſes which draw them, rather than to make a Motion by wind alone.

Prognoſticks of Winds.

To the two and thirtieth Article.

Connexion.

THe more Divination uſeth to be polluted by vanity and ſuperſtition, ſo much more is the purer part of it to be received and honoured. But Natural Divination is ſometimes more certain, ſometimes more ſlippery and deceitful, according to the ſubject with which it hath to do; for if it be of a conſtant and regular nature, it cauſeth a certain prediction. If it be of a variable and irregular nature, it may make a caſual and deceitful one: Yet in a various ſubject the Prediction will hold true if it be diligently regulated, peradventure it may not hint upon the very moments, but in the thing it ſelf it will not erre much. Likewiſe for the times of the event and complement, ſome Predictions will hit right enough, namely, thoſe which are not gathered from the cauſes, but from the thing it ſelf already inchoated, but ſooner appearing, in an apt and fitly diſpoſed matter than in another, as we ſaid before in the Topicks concerning this two and thirtieth Article. We will now therefore ſet forth the Prognoſticks of winds, of neceſſity intermixing ſome of rain, and fair weather, which could not conveniently be ſeparated, remitting the full enquiry of them to their proper titles.

1. If the Sun appears hollow at its riſing, it will the very ſame day yield wind or rain; if it appears as it were a little hollow, it ſignifies wind; if deeply hollow, rain.

2. If the Sun riſes pale, or (as we call it) wateriſh, it betokens rain, if it ſet ſo, it betokens wind.

3. If the body of the Sun it ſelf appears at its ſetting of the colour of bloud, it foretokens great winds, for many days.

4. If at Sun riſing its beams appear rather red than yellow, it ſignifies wind rather than rain, and the like if they appear ſo at its ſetting.

5. If at Sun riſing or ſetting, its rays appear contracted or ſhortned, and do not ſhine out bright, though the weather be not cloudy, it ſignifies rain rather than wind.

6. If before Sun riſing there appear ſome rays as fore-runners, it ſignifies both wind and rain.

7. If the Sun at its riſing diffuſes its rays through the Clouds, the middle of the Sun remaining ſtill under Clouds, it ſhall ſignifie rain, eſpecially if thoſe beams break out downwards, that the Sun appears as it were with a Beard. But if the raies break forth out of the middle, or diſperſed, and its exterior body, or the out-parts of it be covered with clouds, it fore-ſhewes great tempeſts both of wind and rain.

8. If the Sun, when it riſes, be encompaſſed with a Circle, let wind be expected from that ſide on which the Circle opens. But if the Circle fall off all at one time, it will be fair weather.

9. If at the ſetting of the Sun there appears a white Circle about it, it ſignifies ſome ſmall ſtorm the ſame night: if black or darkneſs, much wind the day following.

10. If the Clouds look red at Sun-riſing, they are Prognoſticks of wind: if at Sun-ſetting, of a fair enſuing day.

11. If

11. If about the rising of the Sun, Clouds do gather themselves about it, they foreshew rough storms that day; but if they be driven back from the rising towards the setting of the Sun, they signifie fair weather.

12. If at Sun-rising the Clouds be dispersed from the sides of the Sun, some South-ward, and some North-ward, though the sky be clear about the Sun, it fore-shews wind.

13. If the Sun goes down in a Cloud, it fore-shewes rain the next day: but if it rains at Sun-setting, it is a token of wind rather. But if the Clouds seem to be as it were drawn towards the Sun, it signifies both wind and storms.

14. If Clouds at the rising of the Sun seem not to encompass it, but to lie over it, as if they were about to Eclipse it, they fore-shew the rising of winds, on that side as the Clouds incline. And if they do this about noon, they signifie both wind and rain.

15. If the Clouds have encompassed the Sun, the less light they leave it, and the lesser the Orb of the Sun appears, so much the more raging shall the tempest be; but if there appear a double or treble Orb, as though there were two or three Suns, the Tempest will be so much the more violent for many days.

16. New Moons presage the dispositions of the Air: but especially the fourth rising of it, as if it were a confirmed New Moon. The full Moons likewise do presage more than the days which come after.

17. By long observation, the fifth day of the Moon, is feared by Mariners for stormy.

18. If the New Moon do not appear before the fourth day, it foreshews a troubled air for the whole Month.

19. If the New Moon at her first appearance, or within a few days after, have its lower horn obscure, or dusky, or any way blemished, it signifies stormy and tempestuous days before the Full Moon; if it be ill coloured in the middle, Tempests will come about the Full of the Moon: if it be so about the upper part of the horn, they will be about the decreasing of the Moon.

20. If at the fourth rising the Moon appear bright, with sharp horns, not lying flat, nor standing upright, but in a middle kind of posture between both, it promises fair weather for the most part, until the next New Moon.

21. If at the same rising it be red, it portends winds; if dusky or black, rain; but howsoever it signifies nothing beyond the Full Moon.

22. An upright Moon is almost always threatning, and hurtful, but it chiefly portends winds: But if it have blunt horns, and as it were cut off short, it rather signifies rain.

23. If one horn of the Moon be sharp, and the other blunt, it signifies wind; if both be blunt, rain.

24. If a Circle, or *Halo* appear about the Moon, it signifies rain rather than wind, unless the Moon stands directly within that Circle, for then it signifies both.

25. Circles about the Moon always foreshew winds on that side where they break; also a notable shining in some part of the Circle, signifies winds from that part where the shining is.

26. If the Circles about the Moon be double or treble, they foreshew horrible and rough Tempests, and especially if those Circles be not whole, but spotted and divided.

27. Full

27. Full Moons, as concerning the Colours and Circles, do in a manner foreſhew the ſame things, as the fourth riſing, but more preſent, and not ſo long delayed.

28. Full Moons uſe to be more clear than the other ages of the Moon, and in winter uſe to be far colder.

29. The Moon appearing larger at the going down of the Sun, if it be ſplendent and not dusky, betokens fair weather for many days.

30. Winds almoſt continually follow the Eclipſes of the Moon; and fair weather the Eclipſes of the Sun; rain comes after neither.

31. From the Conjunctions of any of the Planets, but only the Sun, you may expect winds both before and after, from their conjunctions with the Sun, fair weather.

32. At the riſing of the *Pleiades*, and *Hyades*, come ſhowres of rain, but calm ones; after the riſing of *Arcturus* and *Orion*, tempeſts.

33. Returning and ſhooting ſtars (as we call them) ſignifie winds to come from that place whence they run, or are ſhot; but if they flye from ſeveral, or contrary parts, it is a ſign of great approaching ſtorms of wind and rain.

34. When ſuch little ſtars as thoſe which are called *Aſelli*, are not ſeen generally all over the sky, it foreſhews great tempeſts and rain within ſome few days. But if they be ſeen in ſome places, and not in other ſome, it foreſhews winds only, and that ſuddenly.

35. The sky when it is all over bright, in a New-Moon, or at the fourth riſing of it, portends fair weather for many days; if it be all over dark, it foreſhews rain, if partly dark, and partly fair, it portends wind of that ſide where the darkneſs is ſeen. But if it grow dark on a ſudden, without either Cloud or Miſt to dimn the brightneſs of the Stars, there are great and rough tempeſts a breeding.

36. If an entire Circle incloſeth a Planet, or any of the greater ſtars, it foreſhews wind; if it be a broken Circle, wind from thoſe parts where the Circle is deficient.

37. When the Thunder is more than the Lightnings, there will be great winds; but if the Lightnings be thick amidſt the thundering, it foreſhews thick ſhowres, with great drops.

38. Morning Thunders ſignifie wind, mid-day Thunders rain.

39. Bellowing Thunders which do as it were paſs along, preſage winds, and thoſe which make a ſharp and unequal noiſe, preſage ſtorms both of wind and rain.

40. When it lightens in a clear sky, winds are at hand, and rain from that part where it lightens: But if it lightens in diverſe parts, there will follow cruel and horrid tempeſts.

41. If it lightens in the cold quarters of the Heavens, namely, the Eaſt and North, Hail will follow; if in the warmer; namely, South and Weſt, we ſhall have rain and a warm sky.

42. Great heats after the Summer Solſtice, and commonly with Thunder and Lightning, and if thoſe come not, there will be wind and rain for many days.

43. The Globe of Flame, which the Ancient called *Caſtor*, which is ſeen by Mariners, and Seafaring men at Sea, if there be but one, preſages a cruel tempeſt, (*Caſtor* is the dead brother) and much more if it ſtick not cloſe to the Maſt, but dances up and down. But if they be twins, (and *Pollux* the living brother be preſent) and that when the tempeſt is high, it is a good

good preſage: But if there be three (namely, if *Helen*, the Plague of all things come in) it will be a more cruel tempeſt: ſo that one ſeems to ſhew the indigeſted matter of the ſtorm, Two a digeſted and ripe matter; Three or more an abundance that will hardly be diſperſed.

44. If we ſee the Clouds drive very faſt when it is a clear sky, we muſt look for winds from that way from which the Clouds are driven: But if they wheel and tumble up together, when the Sun drawes near to that part in which they are tumbled up together, they will begin to ſcatter and ſever; and if they part moſt towards the North, it betokens wind, if towards the South, rain.

45. If at Sun-ſetting there ariſe black and dark Clouds, they preſage rain: If againſt the Sun, namely, in the Eaſt, the ſame night, if near the Sun in the Weſt the next day, with winds.

46. The clearing of a Cloudy sky, if it begins againſt the wind which then blows, ſignifies clear fair weather; with the wind it betokens nothing, but the thing remains uncertain.

47. There are ſometimes ſeen ſeveral as it were Chambers or joined Stories of Clouds one above the other (ſo as *Gilbertus* affirms, he hath ſeen five of them together) and always the blackeſt are lowermoſt, though ſometimes it appears otherwiſe, becauſe the whiteſt do more allure the ſight. A double Conjunction of ſtories, if it be thick, ſhews approaching rain (eſpecially if the lower Cloud ſeem as it were big with Child) more Conjunctions preſage continuance of rain.

48. If Clouds ſpread abroad like Fleeces of wool here and there, they foreſhew Tempeſts: but if they lie one a top of another, like skales or tiles, they preſage drought and clear weather.

49. Feathered Clouds, like to the boughs of a Palm tree, or the flowers of a Rainbow, are Prognoſticks of preſent rain, or immediately to follow.

50. When Hills and Hillocks looks as though they wore Caps by reaſon of the Clouds lying upon them, and encompaſſing them, it preſages imminent Tempeſts.

51. Amber, or Gold Colour Clouds before Sun-ſetting, that have as it were gilded Helms or borders, after the Sun begins to be quite down, foreſhew fair clear weather.

52. Grayiſh, and as it were Clay-coloured Clouds, ſhew that rain with wind are drawing on.

53. Some petty Cloud shewing it ſelf ſuddenly, having not been ſeen before, and all the skie clear about it, eſpecially if it be in the Weſt, and about Noon, shews there is a ſtorm a comming.

54. Clouds and Miſts aſcending, and going upward, preſage rain, and that this be done ſuddenly, ſo that they be as it were ſucked up, they preſage rain: but if they fall and reſide in the Valleys, they preſage fair weather.

55. A big Cloud growing white, which the Ancients called a white Tempeſt, in Summer is a fore-runner of ſmall hail, like Comfits, in Winter ſnow.

56. A fair and clear Autumn preſages a windy winter; a windy winter, a rainy ſpring: a rainy ſpring a clear ſummer; a clear ſummer a windy Autumn. So that the year (as the Proverb goes) is ſeldom its own debtor, and the ſame order of ſeaſons will ſcarce happen two years together.

57. Fires

Fires upon the Hearth when they look paler than they are accuſtomed, and make a murmuring noiſe within themſelves, do preſage tempeſts. And if the flame riſes bending and turning, it ſignifies wind chiefly: and when the ſnuffs of Lamps and Candles grow like Mushromes with broad heads, it is a ſign of rainy weather.

58. Coals ſhining bright, and ſparkling over-much, ſignifie wind

59. When the ſuperficies of the Sea is calm and ſmooth in the Harbour, and yet murmures within it ſelf, though it doth not ſwell, ſignifies wind.

60. The ſhoars reſounding in a calm, and the ſound of the Sea it ſelf, with a clear noiſe, and a certain Eccho, heard plainer and further than ordinary, preſages winds.

61. If in a calm and ſmooth ſea, we eſpie froth here and there, or white Circles or Bubbles of water, they are Prognoſticks of winds; and if theſe Preſages be very apparent, they foreſhew rough tempeſts.

62. If in a rough ſea there appear a ſhining froth (which they call ſea-lungs) it foreſhews a laſting tempeſt for many days.

63. If the ſea ſwell ſilently, and riſes higher than ordinary within the Harbour, or the Tide come in ſooner than it uſes to do, it foretels wind.

64. Sound from the Hils, and the murmure of woods growing lower, and a noiſe in open Champion fields, portends wind. Alſo a prodigious murmuring of the Element, without Thunder; for the moſt part preſages winds.

65. Leaves and ſtraws playing on the ground, without any breath of wind that can be felt, and the Down of Plants flying about, Feathers ſwimming and playing upon the water, ſignifie that wind is near at hand.

66. Water Fowls flying at one another, and flying together in flocks, eſpecially ſea-Mews and Gulls, flying from the ſea and lakes, and haſtning to the banks and ſhoars, eſpecially if they make a noiſe and play upon dry land, they are Prognoſticks of winds, eſpecially if they do ſo in the morning.

67. But contrariwiſe, ſea fowls going to the water, and beating with their wings, chattering and bathing themſelves, eſpecially the Crow, are all preſages of ſtorms.

68. Duckers and Ducks cleanſe their feathers with their Bills againſt wind: but Geeſe with their importunate crying call for rain.

69. A Hern flying high, ſo that it ſometimes flies over a low Cloud, ſignifies wind: But Kites when they flye high, foreſhew fairweather.

70. Crows as it were barking after a ſobbing manner, if they continue in it, do preſage winds, but if they catchingly ſwallow up their voice again, or croak a long time together, it ſignifies that we ſhall have ſome ſhowrs.

71. A chattering Owl was thought by the Ancients to fore-tel change of weather; if it were fair, rain; if Cloudy, fair weather: But with us the Owl making a clear and free noiſe, for the moſt part ſignifies fair weather, eſpecial in winter.

72. Birds pearching in trees, if they flie to their neſts, and give over feeding betimes, it preſages tempeſt: But the Hearn ſtanding as it were ſad and melancholy upon the ſands or a Crow walking up and down, do preſage wind onely.

73. Dolphins playing in a calm ſea, are thought to preſage wind from that way they come: and if they play and throw up water when the Sea is rough, they preſage fair weather. And moſt kinds of fiſhes ſwimming on the top of the water, and ſometimes leaping, do prognoſticate wind.

74. Upon the approach of wind, Swine will be ſo terrified and diſturbed, and uſe ſuch ſtrange actions, that Country people ſay that Creature onely can ſee the wind, and perceive the horridneſs of it.

75. A little before the wind ſpiders work and ſpin carefully, as if they prudently foreſtall'd the time, knowing that in windy weather they cannot work.

76. Before rain, the ſound of Bels is heard further off; but before wind it is heard more unequally, drawing near and going further off, as it doth when the wind blows really.

77. *Pliny* affirms for a certain, that three leaved graſs creeps together, and raiſes its leaves againſt a ſtorm.

78. He ſayes likewiſe, that veſſels which food is put into, will leave a kind of ſweat in Cupboards, which preſage cruel ſtorms.

Monition. Seeing rain and wind, have almoſt a common matter, and ſeeing alwayes before rain, there is a certain condenſation of the air, cauſed by the new air received into the old, as it appears by the ſounding of the ſhoars, and the high flight of Hearns, and other things; and ſeeing the wind likewiſe thickens, (but afterward in rain the air is more drawn together, and in winds contrariwiſe it is enlarged) of neceſſity winds muſt have many Prognoſticks common with the rain. Whereof adviſe with the Prognoſticks of rain, under their own title.

Imitations of Winds.

To the three and thirtieth Article.

Connexion.

IF men could be perſwaded not to fix their contemplations over-much upon a propounded ſubject, and reject others as it it were by the bye; and that they would not ſubtilize about that ſubject in *infinitum*, and for the moſt part unprofitably, they would not be ſeized with ſuch a ſtupor as they are; but transferring their thoughts, and diſcourſing, would find many things at a diſtance, which near at hand are hidden. So that as in the Civil Law, ſo we muſt likewiſe in the Law of Nature, we muſt carefully proceed to ſemblable things, and ſuch as have a conformity between them.

1. Bellows with men are *Æolus* his Bags, out of which one may take as much as he needeth. And likewiſe ſpaces between, and openings of Hills, and crooks of buildings, are but as it were large bellows. Bellows are moſt uſeful either to kindle fire, or for Muſical Organs: The manner of the working of Bellows is by ſucking in of the air, to ſhun vacuity, (as they ſay) and to ſend it out by compreſſion.

2. We alſo uſe Hand Fans to make a wind, and to cool, only by driving forward of the air ſoftly.

3. The cooling of Summer rooms, we ſpake of in Anſwer to the ninth Article. There may other more curious means be found, eſpecially if the air be drawn in ſomewhere after the manner of bellows, and let out

at another place; But those which are now in use have relation only to meer compression.

4. The breath in mans *Microcosmos*, and in other Animals, do very well agree with the winds in the greater world: For they are engendred by humours, and alter with moisture as wind and rain doth, and are dispersed and blow freer by a greater heat. And from them that observation is to be transferred to the winds, namely, that breaths are engendred of matter that yields a tenacious vapour, not easie to be dissolved; as Beans, Pulse, and Fruits; which is so likewise in greater winds.

5. In the distilling of Vitriol and other Minerals which are most windy, they must have great and large receptacles, otherwise they will break.

6. Wind composed of Niter and Gun-powder, breaking out and swelling, the flame doth not only imitate, but also exceed winds, which blow abroad in the world, unless they be such as are made by thunder.

7. But the forces of it are prest in, as in humane Engines, as Guns, Mines, and Powder-houses set on fire. But it hath not yet been tried whether in open air, a great heap of Gun-powder set on fire would raise a wind for certain hours, by the commotion of the air.

8. There lies hidden a flatuous and expansive spirit in Quick-silver, so that it doth, (in some mens opinions) imitate Gun-powder, and a little of it mixed with Gun-powder, will make the Powder stronger. Likewise the Chymists speak the same of gold that being prepared some way, it will break out dangerously, like to Thunder; but these things I never tried.

A greater Observation.

THe Motion of winds is for most things, seen as it were in a Looking glass, in the motion of waters.

Great winds are Inundations of the air, as we see Inundations of waters, both through the augmentation of the quantity. As waters either descend from above, or spring out of the earth, so some winds are cast down, and some rise up. As sometimes in Rivers there are contrary motions, one of the flowing of the Sea, the other of the Current of the River, yet both become one motion, by the prevailing of the flood; so when contrary winds blow, the greater subdues the lesser. As in the Currents of the sea, and of some rivers, it sometimes falls out, that the waves above go contrary to the waves below: So in the air, when contrary winds blow together, one flyes over the other. As there are Cataracts of Rain within a narrow space, so there are Whirlwinds. As waters, however they go forward, yet if they be troubled, swell up into waves, sometimes ascending, grow up into heaps, sometimes descending, are as it were furrowed: so the winds do the same, but only want the Motion of Gravity. There are also other similitudes which may be observed and gathered out of those things which have already been enquired about.

Moveable Rules concerning Winds.

Connexion.

RUles are either particular or general, both with us are moveable; for as yet we have not affirmed any thing positively. Particular Rules may be taken and gathered almost out of every Article. We will cull out some general ones, and those but a few, and adde thereunto.

1. Wind is no other thing but moved air; but the air it self moved either by a simple impulsion, or by commixion of vapors.

2. Winds by a simple Impulsion are caused four ways, either by the natural Motion of the air, or by expansion of the air, in the Suns ways; or by reception of air thorow a sudden cold; or by the compression of the air by external bodies.

There may be also a fifth way, by the agitation and concussion of the air by stars. But let these things be a while silent, or be given ear unto with a sparing belief.

3. Of winds which are made by immixion of vapours, the chief cause is the over-burthening of the air, by air newly made out of vapours, whereby the mass of the air grows bigger, and seeks new room.

4. A small quantity of air added, causeth a great tumor of the air round about it: so that new air out of the resolution of vapours doth confer more to motion than to matter. But the great body of wind consists in the former air, neither doth the new air drive the old air before it, as if they were several bodies; but being both commixt, they desire larger room.

5. When any other beginning of Motion concurs, besides the over-burthening of the air, it is an accessory which strengthneth and encreaseth that Principal, which is the reason that great and violent winds do seldom rise, by the simple over-burthening of the air.

6. Four things are accessory to the over-burthening of the air: The breathing out of subterraneal places; the casting down out of (as it is called) the middle region of the air, Dissipation made out of a Cloud, and the Mobility and Acrimony of the Exhalation it self.

7. The Motion of the wind is for the most part lateral: But that which is made by meer over-burthening, is so from the beginning, that which is made by the expiration of the earth, or repercussion from above, a little while after, unless the Eruption, or Precipitation, or Reverberation be exceeding violent.

8. Air will endure some compression, before it be over-burthened, and begins to thrust away the adjoyning air, by reason whereof all winds are a little thicker than quiet and calm air.

9. Winds are allayed five ways, either by the conjunction of vapours, or by their sublimation, or by transporting them, or by their being spent.

10. Vapors are conjoyned, and so the Air it self becomes water, four ways, either by abundance aggravating, or by colds condensing, or by contrary winds compelling, or by obstacles reverberating.

11. Both Vapours and Exhalations, but wind very frequently from vapours. But there is this difference, that winds which are made of Vapours, do more easily incorporate them selves into pure air, are sooner allayed, and are not so obstinate as those winds which are engendred of Exhalations.

12. The

12. The manner and ſeveral conditions of heat have no leſs power in the generation of winds, than the abundance or conditions of the matter.

13. The heat of the Sun ought to be ſo proportioned in the generation of winds, that it may raiſe them, but not in ſuch abundance as that they gather into rain, nor in ſo ſmall a quantity, that they may be quite ſhaken off and diſperſed.

14. Winds blow from their Nurſeries, and the Nurſeries being diſpoſed ſeveral ways, divers winds for the moſt part blow together, but the ſtrongeſt either quite overthrows, or turns into its current the weakeſt.

15. Winds are engendred every where, from the very Superficies of the earth, up into the middle Region of the air, the more frequent below, but the ſtronger above.

16. The Countries which have retaining or trade-winds, if they be warm, have them warmer that according to the meaſure of their Climate: if they be cold, they have them colder.

A Humane Map, or Optatives, with ſuch things as are next to them concerning Winds.

Optatives.

1. TO frame and diſpoſe ſails of ſhips in ſuch a manner, that with leſs wind they might go a greater journey; a thing very uſeful to ſhorten journeys by ſea, and ſave charges.

Next. The next invention preciſely in practice I have not as yet found; yet concerning that, look upon our greater obſervations upon the ſix and twentieth Article.

2. *Optative.* That we could make Wind-mills, and their ſails in ſuch manner that they may grind more with leſs wind. A thing very uſeful for gain.

Next. Look concerning this upon our Experiments in the anſwer to the ſeven and twentieth Article, where the thing ſeems to be as it were done.

Optative. To foreknow when winds will riſe and allay: A thing uſeful for Navigation and for Husbandy, eſpecially for the chuſing of times for Sea-fights.

Next. To this belong many of thoſe things which are obſerved in the Inquiſition, and eſpecially in the Anſwer to the two and thirtieth Article. But a more careful obſervation hereafter (if any ſhall apply their mind to it) will give far more exact Prognoſticks, the cauſe of the winds being already laid open.

4. *Optative.* To give judgment, and make Prognoſticks by winds, of other things, as firſt, whether they be Continents or Iſlands in the Sea in any place: or rather a free open ſea; a thing very uſeful for new and unknown voyages.

Next. The next is the obſervation concerning conſtant and trade-winds: that which *Columbus* ſeemed to make uſe of.

5. *Optative.* Likewiſe of the plenty or ſcarcity of corn every year. A thing uſeful for gain, and buying before-hand, and fore-ſtalling, as it is reported of *Thales*, concerning a Monopoly of Olives.

Next.

Next. To this belong ſome things ſpecified in the Inquiſition of winds, either hurtful, or ſhaking winds, and the times when they do hurt; to the nine and twentieth Article.

6. *Optative.* Likewiſe concerning Diſeaſes and Plagues every year. A thing uſeful for the credit of Phyſicians, if they can fore-tel them alſo for the cauſes and cures of Diſeaſes, and ſome other civil conſiderations.

Next. To this likewiſe belong ſome things ſet down in the Inquiſition to the thirtieth Article.

Monition. Of Predictions by wind concerning corn, fruits, and diſeaſes, look upon Hiſtories of Husbandry and Phyſick.

Optative. 7. How to raiſe winds and to allay them.

Next. Concerning theſe things there are ſome ſuperſtitious opinions, which do not ſeem worthy to be inſerted into a ſerious and ſevere Natural Hiſtory: Nor can I think of any thing that is near in this kind. The deſign may be this, to look throughly into, and enquire about the Nature of the air; whether any thing may be found, whereof a ſmall quantity put into air, may raiſe and multiply the motion to dilatation, or contraction in the body of the air. For out of this (if it might be done) would follow the raiſings and allayings of winds. Such as that Experiment of *Pliny* is concerning Vinegar thrown againſt the Whirlwinds, if it were true. Another deſign might be, by letting forth of winds out of ſubterraneal places; if ſo be they ſhould gather together any where in great abundance, as it is a common and approved opinion of the Well in *Dalmatia*: but to know ſuch places of priſons, is very hard and difficult.

8. *Optative.* To work many fine, pleaſant, and wonderful conceits by the motion of winds.

Next. We have not leiſure to enter into conſideration touching theſe things: Next to it is that common report of the Duels of winds. Queſtionleſs many ſuch pleaſant things might very well be found out, both for Motions and Sounds of Winds.

An

An Entrance to the Titles appointed for the next five Months.

The Hiſtory of Denſity and Rarity.

The Entrance.

IT is no marvail if nature be indebted to Philoſophy and the Sciences, ſeeing it was never yet called upon to give an account, for there never was any diligent and diſpenſatory Inquiſition made of the quantity of the matter, and how that had been diſtributed into bodies (in ſome copiouſly, in others ſparingly) according to the true,or at leaſt trueſt accounts that hath been truely received and approved of, that nothing is taken away and loſt, or added unto the univerſal ſumme. Likewiſe that place hath been treated upon by ſome, namely how it can be looſened or contracted without intermixion or vacuity, according to more or leſs: But the Natures of Denſity and Rarity, ſome have referred to the abundance or ſcarcity of the matter, another hath laughed at the ſame; the greateſt part following their Author, do diſcuſs and compoſe the whole matter by that cold and weak diſtinction of act,and power. Thoſe alſo who attribute them to the reaſons of matter (which is the true opinion) do neither quite deprive the *Materia prima*, or primary matter of its *Quantum*, or quantity, though for other forms they will have it equal, but here do terminate and end the matter, and ſeek no further, nor do not perceive what followeth thereby; and either do not touch at all,or at leaſt do not urge home that which hath a regard to infinites, and is as it were the Baſis and ground of Natural Philoſophy.

Firſt therefore that which is rightly ſet down muſt not be moved nor altered; namely, that there is no tranſaction made in any tranſmutation of bodies, either from nothing, or to nothing: but that they are works of the ſame omnipotence, to create out of nothing,and to reduce unto nothing, and that by courſe of Nature this can never be done. Therefore the ſumme of the total matter ſtands ſtill whole, nothing is added, nothing is diminiſhed: yet that this ſum is divided by portions amongſt the bodies, is unqueſtionable, for there can no man be ſo much beſide himſelf through any ſubtile abſtractions as to think that there is as much matter in one veſſel of water as in ten veſſels of water, nor likewiſe in one veſſel of air, as much as in ten veſſels of air. But in the ſame body there is no queſtion but that the abundance of matter is multiplied according to the meaſure of the body, in divers bodies it is queſtionable. And if it be demonſtrated that one veſſel of water turned into air, will yield ten veſſels of air, (for we take this computation for a received opinion,

opinion, though that of a hundred fold be the truer) it is well; for now they are no more divers bodies, water and air, but the ſame body of air in ten veſſels: But one veſſel of air (as it was but now granted) is but onely the tenth part of ten veſſels. Therefore it cannot be contradicted, but that in one veſſel of Water, there is ten times more matter than in one veſſel of air: Therefore if one ſhould affirm, that one whole veſſel of water could be converted into one veſſel of air, it were as much as if one ſhould affirme that ſomething could be reduced to nothing: for as much as one tenth part of water would ſuffice to do it, and the other nine parts muſt of neceſſity be reduced to nothing: And contrariwiſe, if one ſhould affirm that one veſſel of air could be turned into a veſſel of water, it would be as much as if he ſhould ſay, that ſomething could be created out of nothing: for one veſſel of air can attain and reach but unto the tenth part of a Veſſel of water, and the other nine parts muſt needs proceed from nothing. In the mean time we will plainly acknowledg and confeſs, that to underſtand the true means of the reaſons and calculations, of the how much part of the *Quantum*, or how much of the matter which is in divers bodies, and by what induſtry and ſagacity one may be truly informed thereof, is a high matter to be enquired; but ſuch as the great and largely extended profit which will accrue thereby will largely recompence. For to know the Denſities and Rarities of the body, and much more how to procure, and effect the Condenſations and Rarefactions, is of great importance and moment both to contemplative, and to the Practick. Seeing then it is a thing (if any there be at all) meerly fundamental and univerſal; we muſt go carefully, and prepared about it, ſeeing that all Philoſophy without it is looſe and diſjointed.

The Hiſtory of Heavy and Light.

The Entrance.

THe Motion of Gravity and Lightneſs, the Ancients did illuſtrate with the name of Natural Motion: For they ſaw no external efficient, nor no apparent reſiſtance; yea the motion ſeemed ſwifter in its progreſs. This contemplation, or rather ſpeech, they ſeaſoned with that Mathematical Phantaſie of the ſtaying or ſtopping of heavy things at the center of the earth (although the earth ſhould be bored quite thorow) and that Scholaſtical Invention of the motion of bodies to their ſeveral places. Having laid or ſet down theſe things, ſuppoſing they had done their parts, they looked no further, but onely that which ſome of them more carefully enquired after, namely, of the Center of Gravity in divers figures, and of ſuch things as are carried by water. Neither did any of the Modern Authors do any thing worth ſpeaking of concerning this, onely by adding ſome few Mechanical things which they had alſo wreſted with their Demonſtrations: But laying many words aſide, it is moſt certain, that a body cannot ſuffer but by a body: Neither can there be any Local Motion made, unleſs it be ſolicited or ſet forward, either by the parts of the body it ſelf which is moved, or by the adjacent bodies, which either touch it, or are near unto it, or are at leaſt within the Orb of its Activity. So that *Gilbertus* did not unknowingly introduce Magnetick powers, he alſo becomming a Loadſtone, namely, drawing more things

things by thoſe powers than he ſhould have done, and building a Ship as it were of a round piece of wood.

The Hiſtory of the Sympathy and Antipathy of things.

The Entrance.

STrife and amity in Nature are the eggers on of motions, and the Keys of works. Hence proceeds the union and diſſention of bodies; hence the mixion and ſeparation of bodies; hence the high and intimate impreſſions of vertues, and that which they call joyning of actives with paſſives: finally they are the great and wonderful works of nature. But this part of Philoſophy, namely of the Sympathy and Antipathy of things is moſt impure, which alſo they call Natural Magick: and (which always likely comes to paſs) where diligence and care hath wanted, there hath hope remained: But the operation thereof in men is meerly like unto certain Soporiferous Medicines which caſt one aſleep, and do moreover ſend and infuſe into him merry and pleaſant Dreams. For firſt it caſts mans underſtanding into a ſleep, repreſenting unto him ſpecifical Properties, and hidden Vertues, whereby men awake no more, nor look after the finding and ſearching out of true cauſes; but acquieſce and lie ſtill in theſe idle ways. Then it inſinuates an innumerable company of fictions like unto Dreams; And vain men hope to know the Nature by the outward ſhape and ſhew, and by extrinſecal ſimilitudes to diſcover inward Properties. Their Practiſe alſo is very like unto their Enquiry: For the Precepts of Natural Magick are ſuch, as if men ſhould be confident that they could ſubdue the earth, and eat their bread without the ſweat of their Brow, and to have power over things by idle and eaſie applications of bodies; and ſtill they have in their mouths, and like undertakers or Sureties, they call upon the Loadſtone, and the conſent which is between Gold and Quickſilver; and ſome few things of this kind they alledge, for to prove other things, which are not bound by any ſuch like contract. But God hath appointed the beſt of things to be enquired out and be wrought by labours and endeavours. We will be a little more carefull in ſearching out the law of Nature, and the mutual Contracts of things, neither favouring Miracles, nor making too lowly and ſtraightned an Inquiſition.

The Hiſtory of Su'phur, Mercury, and Salt.

The Entrance.

THis triple of Principles hath been introduced by the Chymiſts, and as concerning Speculatives is of them which they bring the beſt Invention. The moſt ſubtile and acute of theſe, and thoſe who are moſt Philoſophical, will have the Elements to be Earth, Water, Air, and the skie. And thoſe they will not have to be the Matter of things, but the Matrixes in which the Specifical ſeeds of things do engender in the nature of a Matrix. But for the *Materia prima*, or primary matter, (which Scholars do lay down as it were naked, and indifferent) they

ſubſtitute thoſe three, Sulphur Mercury and Salt; out of whith all bodies are gathered together and mixed. We do accept of their words, but their opinions are not very ſound. Yet that doth not ill agree with their opinion, namely, that we hold two of them, to wit, Sulphur and Mercury (taken according to our ſence) to be very firſt and prime natures, and moſt inward figurations of matter, and almoſt chief amongſt the forms of the firſt Claſſis. But we may vary the words of Sulphur and Mercury, and name them otherwiſe Oyly, Wateriſh, Fat, Crude, Inflamable, not Inflamable, or the like. For theſe ſeem to be two very great things of the three, and which poſſeſs and penetrate the Univerſe, for amongſt ſubterraneal things, they are Sulphur and Mercury, as they are called; in the Vegetable and Animal kind, they are Oyl and Water; in the inferior ſpiritual things, they are Air and Flame; in the heavenly, the body of a Star, and the pure skie; but of this laſt Duality we yet ſay nothing, though it ſeem to be a probable decyphering: For if they mean by Salt, the fixed part of the body, which is not reſolved either into flame or ſmoak, this belongeth to the Inquiſition of fluid, and determinate things. But if we take Salt according to the Letter without any Parabolical meaning, Salt is no third thing from Sulphur and Mercury, but mixed of both, connexed into one, by an acrimonious and ſharp ſpirit. For all manner of Salt hath inflamable parts; and other parts alſo, which not only will not take fire, but do alſo abhor it and flie from it: Yet the Inquiſition of Salt, being ſomewhat allyed to the Inquiſition of the other two, and exceeding uſeful, as being a tye and band of both Natures, Sulphurous and Salt, and the very Rudiment of life it ſelf, we have thought fitting to comprehend it alſo within this Hiſtory and Inquiſition. But in the mean time we give you notice, that thoſe ſpiritual things, Air, Water, Stars, and Skie, we do (as they very well deſerve it) reſerve them for proper and peculiar Inquiſitions, and here in this place to ſet down the Hiſtory only, of tangible, that is to ſay, Mineral or Vegetable Sulphur and Mercury.

The Hiſtory of Life and Death.

The Entrance.

THere is an old complaint of the ſhortneſs of life, and tediouſneſs of Art. Therefore it ſeems very fitting to us, who ſtrive to the uttermoſt of our powers to make Arts perfect, to take care alſo of prolonging the Life of man, the Author of Life and Truth aſſiſting us therein. For although mens lives be nothing elſe, but an increaſe and accumulation of ſins and miſeries; and that life is but of ſmall advantage to thoſe who aſpire to Eternity: Yet we who are Chriſtians ſhould not contemn or deſpiſe a continuation of works of Charity. And the beloved Diſciple lived longer than any of the reſt; and many of the Fathers, eſpecially the holy Monks, and Hermites, were long lived. And there was leſs taken away from this bleſſing, (ſo often made mention of in the old Law) than from any other earthly bleſſing, after the coming of our Savior. But it is plain & manifeſt enough, that this is held for a great good: but how to attain thereunto, is a high and myſterious queſtion; and

and ſo much the more, becauſe it hath been abuſed both by falſe opinions and falſe Præconiums. For thoſe things which are commonly ſpoken of by the Rabble of Phyſicians, concerning the Radical Humour, and Natural Heat, are deceitful. And the immoderate praiſes of Chymical Medicines, firſt ſwell men up with hopes, and then forſake them, and leave them in the mire. Neither is our Inquiſition now of that death which proceeds from ſuffocation, putrifaction, and divers other Diſeaſes; for that belongs to a Phyſical or Medicinal Hiſtorie; but of that Death only which comes by the Reſolution and conſumption of old age. Yet to enquire of the laſt paſſage or ſtep to death, and the very extinction or putting out of life, which may be done by many, both internal and external ways (which notwithſtanding have as it were one and the ſelf ſame place of habitation, before we come unto the very pangs of death.) I believe hath ſome affinity with our preſent Inquiſition, but we will ſet that in the laſt place. That which may be repaired by degrees and without deſtruction, the primary entire thing, that in *potentia* is eternal as the Veſtal fire. Wherefore when the Philoſophers and Phyſicians ſaw, that creatures were nouriſhed, and that their bodies were repaired and made up again; yet that it could not laſt long, but that a while after they grew old, and dyed, they ſought for death in ſome thing, which properly could not be repaired, thinking that ſome Radical and firſt engendred Humor is not totally repaired, but that there is even from the infancy ſome degenerate addition, and not a preciſe, ſolid and juſt reparation, which by degrees is depraved with age, and at laſt brings that which is depraved to nothing. Theſe unskilful and erroneous opinions they hold. For all things in youth and young age are fully and wholly repaired, and for a time increaſe in quantity, and are bettered in quality: ſo that the matter of Reparation might in a manner be eternal, if the means of Reparation did not fall away. But indeed in a declining age, there is but a very unequal Reparation made. In ſome parts Reparation proceeds happily, and other parts grow worſe and worſe; and from that time men begin to endure that torment which *Mezentius* did uſe to inflict, namely to kill living men with the embraces of dead ones; and thoſe things, which might eaſily be repaired do fail by being joyned to thoſe things which can hardly be repaired. For even after that men do begin to decline through age, their Spirit, Bloud, fleſh and Fat may eaſily be repaired; but thoſe parts which are more Porous, all Membranes and Tunicles, Nerves, Arteries, Veins, Bones, Cartilages, moſt part of the Inwards, and finally almoſt all the Organical parts, are difficultly, and with great loſſe repaired. And thoſe parts being to aſſiſt the reparation of thoſe Reparable parts which are actually to be repaired, loſing their activity and ſtrength, can no longer performe their function. And from thence a while after proceeds the falling to ruin of all together; and thoſe very ſame parts, which in their own Nature are very Reparable, the Organs of Reparations failing, cannot be well repaired, but decreaſe, and at laſt totally fail. And the cauſe of the Period, is becauſe the ſpirit preying alwayes like a ſtill and gentle Flame, the external air (which alſo ſucks and dries up the bodies) conſpiring with it, at the laſt ruins the frame of the body and its Organs, and makes them unable to performe the act of Reparation: And theſe are the true ways of Natural Death, which are carefully to be revolved in mans mind. For he that knows not the ways of Nature, how can he obviate and turn them? Therefore there ought

to be a double Inquiſition: one of the Conſumption, or Depredation of the body of man; and the other of the Reparation or Refection of the ſame. And with this *proviſo* or Caveat that the one may be inhibited and reſtrained, and the other promoted and comforted as much as may be: and the firſt of theſe belongs chiefly to the ſpirits and external air, by which the Depredation and waſte is made; the ſecond to the whole proceſs of alimentation, which cauſeth the Reſtitution. And as for the firſt part of the Inquiſition, which is of the Conſumption, that is for a great part common to inanimate bodies: For thoſe things which the inbred ſpirit (which is in all Tangible things be they living or dead) and the encompaſſing Air do operate upon inanimate things, the ſame they do alſo attempt upon thoſe things which are animate: though the Vital which is added unto them, partly breaks and quels thoſe operations, and partly doth moſt powerfully increaſe and augment them. For it is moſt manifeſt, that many inanimate things can laſt a long time without any Reparation; whereas animate things do preſently fall and are extinguiſhed without Aliment or Reparation, as the fire alſo. Therefore there ought to be a double Inquiſition: Firſt, Contemplating mans body, as Inanimate, and without Aliment: Then as it is Animate and Alimented. And having ſpoken thus much by way of Preface, let us now proceed to the Topicks of the Inquiſition; concerning which you muſt read the Hiſtory of Life and Death.

FINIS.

THE NATURAL AND EXPERIMENTAL HISTORY OF *THE FORM of HOT THINGS.*

The Inquisition of Forms proceeds thus.

The first Aphorism.

UPon the propoſed Nature, firſt there muſt be an apparance made before the underſtanding of all the known Inſtances which agree in the ſame Nature, though the matters be very unlike: And this Collection is to be made Hiſtorically, without any over-haſty Contemplation, or any tranſcendent ſubtilty: as for example in the Form of Hot Things.

Convenient Inſtances in the Nature of Hot Things.

1. The Beams of the Sun, eſpecially in Summer, and at Noon time.
2. The Sun beams reflected, and kept up cloſe and drawn together, as among Hills, or by Wals, and eſpecially in Burning-glaſſes.
3. Fiery Meteors.
4. Burning Lightnings.
5. The breaking out of fire, out of the hollow parts of Hils, *&c.*
6. All manner of Flame.
7. Solid things ſet on fire:
8. Natural hot Baths.
9. Liquid things boyling or heated.
10. Hot ſmoaks and vapours, and the Air it ſelf, which takes a ſtrong and fierce heat if it be ſhut in, eſpecially in Reverberatories.
11. Certain ſoultry hot times by the meer Conſtitution of the air, without any regard of the ſeaſon, or time of the year.

12. A ſubterraneal Air, encloſed in certain Caves, eſpecially in winter time.

13. All woolly or hairy things, as Beaſts Skins, or Hides, and Feathers, have a kind of warmneſs in them.

14. All manner of bodies, as well ſolid as liquid, as well thick as thin (ſuch as the air it ſelf is) being for a time brought near the fire.

15. Sparkles out of a Flint-ſtone, or out of Iron or Steel, cauſed by hand-ſtriking.

16. Any kind of body ſtrongly rubbed together, as ſtone, wood, cloth, *&c.* ſo that ſometimes Axel-trees, and Naves of Wheels are ſet on fire: and the way of kindling of fire amongſt the Weſt Indians is by Attrition.

17. Green and moiſt herbs packt and thruſt up together, as Roſes, and Peaſecods, and Hay being laid up moiſt will many times take fire.

18. Unſlackt quick Lime having water thrown upon it.

19. Fire when it is firſt diſſolved by ſtrong waters, or *Aqua Fortis* in a Glaſs, without ſetting any fire to it; and ſo likewiſe Pewter, *&c.* but not in ſuch a high degree.

20. Living creatures, eſpecially (and that continually) their Entrails; though in the Inſects the heat be not ſo palpably perceived by the ſenſe of feeling, by reaſon of the ſmalneſs of their bodies.

21. Horſe-dung, and the like Excrements of beaſts being newly made.

22. Strong oyl of Sulphur and Vitriol, ſhew the effects of heat in burning of linnen.

23. Oyl of *Origanum* and the like, ſhew their effects of heat alſo in burning of the teeth.

24. A ſtrong ſpirit of Wine rightly made up, will ſhew the effects of its heat in ſuch manner, that if you put the white of an egge into it, it will grow together and be white, almoſt like that of a boiled egge, and a piece of bread being thrown into it, will heat and be like unto a piece of toaſted bread.

25. Spices and hot herbs, as Dragon, and old Creſſes, *&c.* though they be not hot in the handling (neither whole nor yet the powder of them) yet being a little chewed, they are hot, and in a manner burning upon the tongue and the Palate of the mouth.

26. Strong Vinegar, and all ſharp ſour things laid upon any part where there is no upper skin, as in the eye, or upon the tongue, or any other part when it is wounded or galled, do cauſe a kind of ſmart, like unto that which is produced by heat.

27. Alſo ſharp and violent cold produceth a kind of tingling, like unto burning.

The Northern winds ſharp penetrating cold burneth, *&c.*

28. Other things alſo which I omit for brevity.

This we uſe to call the Table of Eſſence and preſence.

The ſecond Aphoriſm.

SEcondly, there is manifeſtation to be made to the underſtanding of inſtances which are deprived of their nature which was firſt given them. For the Forme (as we ſaid before) ought as well to be abſent where the primary Nature is abſent, as be preſent where it is preſent: But this would be infinite in all things. Wherefore Negatives are to be added

added to the Affirmatives, and Privations are onely to be looked upon in thoſe ſubjects, which are nearly allyed to thoſe others in which the Primary Nature is, and appears. And this we uſe to call the Table of Declination or Abſence *in proximo*, or the next degree.

The neareſt Inſtances which are deprived of the Nature of Heat.

A Negative, or Subjunctive Inſtance to the firſt Affirmative Inſtance.

The Moon and the ſtars and the Comets Beams are not found hot by the ſence of feeling, yea one may obſerve extreame cold ſeaſons at full Moons. But the greater fixed Stars when the Sun comes under them, or nigh unto them, are thought to increaſe and exaſperate the heat of the Sun, as it is when the Sun is in *Leo*, and in the Dog-days.

Six Negatives to the ſecond Inſtance.

1. The Sun-beams give not any heat in that which they call the middle Region of the air; for which is commonly given a tolerable reaſon. For that Region or part of the air is neither near unto the body of the Sun, from which iſſue the beams, nor yet unto the earth, by which the ſaid beams are reflected. And this appears by the tops of thoſe Hills which are of a great height, where the Snow lyeth continually. But on the contrary, it hath been noted by ſome, that on the top of the Peak of *Tenariff*, and alſo of ſome Hills of *Peru*, the tops of the hils have no ſnow upon them, the ſnow lying lower upon the aſcent of the Hill: and beſides, the air is not cold upon the tops of thoſe Hils, but very piercing and ſharp; ſo that upon thoſe hils of *Peru*, it pricks and hurts the eyes with its too much acrimony, and pricks the Orifice of the Ventricle, and cauſeth vomiting. And it was noted by the Ancients, that on the top of *Olympus* there was ſuch a tenuity of air, that they who aſcended thither were fain to carry with them ſponges ſteeped in Water and Vinegar, and hold them to their mouths and noſtrils, leſt the tenuity or ſubtilneſs of the Air ſhould hinder their breathing. Upon the top of which montain it was alſo ſaid the air was ſo clear and free from Winds and Rain, that if the Prieſts had written upon the Aſhes which remained upon *Jupiters* Altar after the Sacrifices had been there offered unto him, the Letters would remain there and not be blown away or blotted out, until the next year. And to this hour thoſe which aſcend to the top of *Tenariff*, which they do by night, and not by day, are called upon and haſtned to deſcend preſently after Sun-riſing. For fear (as it ſhould ſeem) leſt the tenuity of the air ſhould diſſolve their ſpirits, and ſuffocate them.

2. The reflexion of the Sun-beams in thoſe Countries which are nigh unto the Polar Circles, is very weak and ineffectual in its heat: ſo that the *Dutch* who wintred in *Nova Zembla*, when they expected their ſhip ſhould be freed from the great heaps and mountains of Ice which were grown about it in the beginning of the Month of *July*, were fruſtrated of their hopes, and forced to come away in their ſhip boat: So that the Beams of the Sun ſeem to be of ſmall ſtrength when they are direct, even upon

upon plain ground: nor yet when they are reflected, unleſs they be multiplyed and united, which happeneth when the Sun grows to be more perpendicular; for the incidence of the beams makes more acute Angles, ſo that the lines of the beams are more near; whereas contrariwiſe in great obliquities of the Sun, the Angles are very obtuſe, and conſequently, the lines of the beams more diſtant. But in the mean time we muſt note that there may be many operations of the Sun-beams, and in the nature of heat, which are not proportioned to our touch, or feeling; ſo that in reſpect of us they do not operate ſo far as calefaction or heating, but in reſpect of ſome other bodies, they may execute the Operations and Functions of heat.

3. Let us try ſuch an experiment as this. Let there be a Glaſs made and framed of a contrary quality to a burning-Glaſs, and let this glaſs be held between the Sun and our hand, and let us obſerve whether that will diminiſh the heat of the Sun as a burning-Glaſs doth increaſe it. For it is manifeſt in the Optick beams, that as the Glaſs is of an unequal thickneſs in the middle and on the ſides, ſo the things which are ſeen thorow them, are either more diffuſed, or more contracted. So the ſame ſhould be in the matter of heat.

4. Let it be carefully tryed, whether the ſtrongeſt and beſt made Burning-Glaſſes can gather up the beams of the Moon in ſuch ſort as the leaſt degree of warmneſs or tepidity may proceed from them. And if that degree of tepidity ſhould be too weak and ſubtile to be perceived by the ſenſe of feeling, let recourſe be had to thoſe kinds of Weather-Glaſſes that ſhew the Conſtitution of the air, whether it be hot or cold, and let the Moon-beams fall thorow a burning-Glaſs into the Orifice of this Weather-Glaſs, and obſerve whether the tepidity do cauſe any fall or abatement of the water that is in the ſaid Weather-Glaſs.

5. Let the Burning-Glaſs be uſed over ſome hot thing that is not radious, or luminous; as a hot Iron or ſtone, which is not red or fire hot, or boyling water, or the like: and let it be obſerved whether there be any increaſe or augmentation of heat, as there is in the Sun-beams.

6. Let a Burning-Glaſs alſo be tried with a common flame.

One Negative to the third Affirmative Inſtance.

There is no manifeſt or conſtant effect found in Comets, (if ſo be they alſo may be reckoned amongſt Meteors) for the increaſing the heat of the Weather according to the ſeaſon of the year; though drought have commonly been obſerved to follow. Alſo bright beams and columns, openings of the Element, and the like, are more commonly ſeen in Winter than in Summer, eſpecially in extream cold weather, ſo it be joyned with Drought. But Thunders and flaſhes of Lightning do ſeldome happen in Winter, but onely in time of great heat. But thoſe (which we call) falling or ſhooting ſtars, are commonly thought to conſiſt rather of ſome bright viſions or ſlimie matter, ſet on fire, than of any ſtronger fiery Nature. But of this we will enquire further.

To the fourth one.

There are ſome Coruſcations which yield light, but do not burn: And thoſe are always without Thunder.

To

To the fifth one.

Eructations, and breakings out of flames happen in cold Countries as well as in hot, in *Iſland* and *Greenland:* as alſo trees growing in cold Countries are ſometimes more apt to take fire, and have more Pitch and Rozen in them than thoſe which grow in hot Countries, as Fir and Pinetrees, and the like. But in what ſituation and nature of ſoil ſuch breakings out uſe to be, that we might adde a Negative to the Affirmative, is not yet ſufficiently enquired.

To the ſixth one.

All manner of flame is perpetually hot, either more or leſs, neither can there any Negative be added. And yet it is reported, that which they call *Ignis Fatuus*, which alſo ſometimes hits againſt a wall, hath not much heat in it; peradventure like the flame of ſpirit of Wine, or Aqua-vitæ, which is not fierce or ſcorching. Yet that ſeems to be yet a milder flame which we read of in ſome grave and credible Hiſtories, that hath been ſeen to appear about the heads and hair of young boys, and maidens, which fire no way burned their hair, but ſoftly ſeemed to flame and play about it. And it is certain, that in a night horſes have been ſeen, when they ſwet with travail, to have a certain kind of lightning flaſhes upon them, without any manifeſt ſcorching heat. And not many years ſince was ſeen, and held for a kind of Miracle, a childs Apron, which being a little ſtirred and rubbed, flaſhed out with fire, and ſparkles flew out of it which might happen peradventure, by reaſon of the Salt or Allom wherewith the Apron was Dyed, which might ſtick upon the Apron in Scales, which with violent rubbing might be broken. And it is moſt certain that all manner of Sugar, either Candid or otherwiſe (ſo it be hard) broken or ſcraped in the dark will ſhine and ſparkle. Likewiſe ſea-water violently ſtirred up with Oars, will give a light, and ſeem to burn, which kind of burning or light the Spaniards call the Sea-lungs. But what kind of heat that fire or flame yields which ſea-men in ancient times were wont to call *Caſtor* and *Pollux*, and now in our days is called St. *Anthonies* fire, is not yet certainly found out.

To the ſeventh one.

Whatſoever is fiery, and turned into red heat, though it be without flame, yet it is perpetually hot; neither can there be any negative added to this affirmative. Yet there are ſome things which ſeem to be ſomewhat near thereunto: as rotten wood which ſhines in the night, and yet doth not feel hot: and the ſcales of rotten fiſh, which alſo gliſter in the dark, yet ſeem not hot, if you feel them; neither can there be any heat perceived in handling a Glow-worm which ſhineth ſo bright in the dark.

To the eighth one.

It is not yet throughly enquired concerning hot Baths, in what ſituation and kind of Soil they ſpring out; therefore there is no Negative added.

To the ninth one.

To liquid boiling or hot things is added a Negative of the liquid thing it ſelf in its own Nature. For there is not any tangible liquid thing, which in its own nature is, and conſtantly endures and remains hot: but heat is only cauſed in it, as an additional, and acquired nature; and thoſe things which in power and operation are very hot, as the ſpirits of Wine, Chymical Aromatick Oils, Oils of Vitriol and Sulphur, and the like; which after a little continuance will burn, yet at the firſt touching they are cold. The Water of hot Natural Baths taken up in Veſſels and ſevered from its ſprings will grow cold as well as water heated at the fire. Oily bodies indeed are not altogether ſo cold to be touched as watry bodies are, and ſilk is not ſo cold as linnen. But theſe things belong to the Table of Degrees of cold.

To the Tenth one.

1. To a hot or fervent vapour, is added the Negative of the Nature of the Vapour it ſelf, ſuch as we find it. For Exhalations out of Oily things though they be eaſily inflamed, yet they are not found to be hot, unleſs they be newly exhaled from a hot body.

2. Likewiſe to a hot fervent Air is added a Negative of the Nature of the Air it ſelf. For we do not find any air to be hot, unleſs it be ſhut up, or chafed, or palpably heated by the Sun, or by fire, or ſome other hot body.

To the eleventh one.

There is a Negative added of weather, which is colder than it ſhould be at that ſeaſon of the year, which happeneth upon a South-Eaſt or North-Eaſt winds blowing; as alſo contrary weathers happen, when a South or Weſt South-Weſt wind bloweth. There is likewiſe an inclination to rain (eſpecially in Winter) when it is mild weather, and to froſt in ſharp cold weather.

To the Twelfth one.

There is a Negative added concerning Air incloſed in Caves in the ſummer time; But there muſt be a more diligent Inquiſition made of incloſed Air. For firſt it is a Queſtion (and that not without cauſe) what the Nature of the Air is of it ſelf, concerng in heat and cold. For the Air doth manifeſtly receive heat from Celeſtial Impreſſions, and cold, peradventure, by the expiration of the earth; and again, in that which is called the middle Region of the Air, from cold vapours and ſnow: ſo that no judgement can be given of the Nature of the Air, by that air which lies open and abroad; but a truer judgment may be given by that which is incloſed and ſhut up. And again, that air ſhould be incloſed and ſhut up in ſuch a veſſel or ſubſtance, which may not of it ſelf qualifie the air, either with heat or cold; nor eaſily admit the force of the air which is without it. Let trial therefore be made with an earthen Pitcher, covered all over with double Leather to ſafegard it from the outward air; keeping in the included air in ſuch a veſſel well cloſed for the ſpace of three or four dayes; and

and the trial thereof after the opening of the veſſel may be made, either by the feeling it with the hand, or by a Glaſs of Degrees, called a Weather glaſs, well and orderly applyed.

To the thirteenth one.

It is likewiſe a Queſtion, whether tepidity, or lukewarmneſs in wool, skins, feathers, and the like, be by reaſon of ſome ſmall inherent heat, becauſe they are taken off from living creatures; or by reaſon of a certain fitneſs, and oilineſs, which is of a Nature agreeing with tepidity; or meerly by reaſon of the concluſion and fraction of the Air, as was ſpoken in the precedent Article; for all Air which is cut off from the continuation of the outward air, ſeems to have ſome tepidity or luke-warmneſs in it. Let therefore trial of this be made in thready Stuffs which are made of Linnen, and not of Feathers, Wool or Silk, which are taken from living Creatures. It is alſo to be noted, that all manner of Duſts, or Pulverized things (in which Air is manifeſtly included) are leſs cold than the bodies of them: as we alſo hold all manner of ſcum or froth, (by reaſon that it contains air) to be leſs cold than the liquor it ſelf.

To the fourteenth one.

To this there is no Negative added: For there is not any thing either Tangible or Spirital, but will heat if it be ſet to the fire: Yet there is this difference, that ſome things will heat ſooner, as Air, Oil, and Water: and ſome will be longer a heating, as Stone and Metals. But this belongs to the table of Degrees.

To the fifteenth one.

To this Inſtance there is no other Negative added, but that it is carefully to be obſerved, that no ſparkles can be drawn out of a Flint, or out of Steel, or any other hard ſubſtance; but there are ſome parcels of the ſubſtance it ſelf beaten off, either of the ſtone or Mettall; and that the attrition of the aire it ſelf can never produce or engender any ſparkles, as it is commonly believed. And thoſe very ſparkles, by reaſon of the weight of the fired body, do tend downward rather than upward, and at their going out do turn to a kind of bodily ſoot.

To the ſixteenth one.

We hold there can be no Negative added to this inſtance: For there is not any Tangible body to be found that will not manifeſtly heat with attrition or violent rubbing. So that the Ancients did dream that there was no other heating power or vertue in heavenly things, but by reaſon of the attrition or chafing of the air through a violent wheeling about. But concerning this, or in this kind, we muſt enquire further, whether ſuch bodies or ſubſtances as are ſhot out of Engines (as Bullets out of Guns) do not receive ſome degree of heat from the percuſſion or blow it ſelf, ſo that we find them ſomewhat hot after they fall. But the air being mov'd rather cools than heats: as we find in winds, and in a pair of Bellows, and the breath of a mans mouth drawn up together. But

this motion is not ſo violent as to excite heat: and it muſt be done without intermiſſion and not by parcels, ſo that it is no marvail, if it does not cauſe any heat.

To the ſeventeenth one.

There muſt be a more diligent Inquiry made about this Inſtance; for green and moiſt Herbs and Vegetables ſeem to have ſome occult or hidden heat within them. But that heat is ſo ſmall and weak, that it cannot be felt in each ſeveral one; but being laid and ſhut up together, ſo that their ſpirit cannot breath out into air, but feedeth and nouriſheth each others; then there ariſeth a manifeſt heat, and ſometimes a flame, when the matter is fitting for it.

To the eighteenth one.

Alſo concerning this Inſtance there muſt be a more diligent Enquiry made. For quick or unſlackt Lime ſeems to take heat by having water thrown upon it, either by the union of the heat which before was diſtracted, (as we ſaid before of Herbs laid up cloſe together) or by the irritation and exaſperation of the fiery ſpirit by the Water, there being ſome conflict and antiperiſtaſis between them. Now which of thoſe two things may be the cauſe will more eaſily appear, if there be Oil thrown on inſtead of water: For the Oil will ſerve as well for the uniting of the incloſed ſpirit, though not for the irritation or provoking of it. Alſo there muſt be a larger experiment or trial made as well in aſhes and lines of divers bodies, as by the putting in of divers ſorts of liquors.

To the nineteenth one.

To this Inſtance is added the Negative of other Metals, which are more ſoft and fluid: For thin leaves of gold diſſolved into liquor with the Royal water, yield no palpable heat in their diſſolving; nor Lead in Aqua-fortis; nor yet Quick-ſilver, (as far as I can remember) but ſilver doth excite a little heat, and Copper, as I remember, but Pewter doth it more manifeſtly, and moſt Iron and Steel, which in their diſſolution cauſe not only a ſtrong heat, but alſo a violent kind of boyling: So that the heat ſeems to be cauſed by the conflict when the ſtrong waters do pierce and rent in ſunder the parts of the body. But where there is leſs reſiſtance in the bodies, and that they eaſilier yield, there is hardly any heat excited.

To the twentieth one.

There is no Negative to be added to the heat of creatures, unleſs it be of Inſects, by reaſon of the ſmalneſs of their bodies: For in Fiſhes compared with earthly Creatures, there is rather to be noted a degree of heat, than a privation. In Vegitables and Plants there is no degree of heat to be perceived in the feeling of them, nor in their gums, nor in their very Marrows being opened. But in Animal Creatures there is a great diverſity of heat to be found, as well in their parts, (for one is the heat about the heart, another in the brain, another about the external parts) as in their accidents, as in their vehement exercitation, and Feavers.

To the one and twentieth one.

To this Inſtance there is ſcarce any Negative to be added: For the Excrements of Beaſts, even after they are old and long ejected, manifeſtly have ſome potential heat in them, as may be perceived by their fattening of the ground.

To the two and twentieth one.

All manner of liquors which have a great and ſtrong acrimony in them (be they either Waters or Oils) do execute the operations of heat in the rending in ſunder or diviſion of bodies, and the aduſtion or burning of them after ſome continuance; yet at the firſt touching of them there can be no heat perceived. And they operate according to the analogie and pores of the body to which they are applyed. *Aqua Regis* diſſolves Gold, but not Silver: And contrariwiſe *Aqua fortis* diſſolves Silver, but not Gold, and neither of both theſe waters will diſſolve Glaſs: and ſo of others.

To the four and twentieth one.

Let there be a trial of the ſpirit of Wine, made in wood, or Butter, Wax, or Pitch, and ſee if it will any way melt any of them with its heat. For the four and twentieth Inſtance ſheweth an imitative power of heat in it in incruſtations or hardnings. So let there trial be made alſo in Liquefactions or Meltings. Let there alſo be a trial made, or Experience tried by a Glaſs of Degrees, or a Weather-glaſs, and let it have an outward hollow place at the top, and put ſpirit of Wine well rectified into that outward hollow place, and let the hollow place be covered, that it may the better contain the heat; and let it be obſerved whether by its heat it will cauſe the water to deſcend.

To the five and twentieth one.

Drugs and Herbs which are ſharp and biting upon the Palate, much more being taken inward, are perceived to be hot: Let us therefore ſee upon what other Materials they do execute the works and operations of heat. Sea-men do report, that when heaps and great maſſes of Drugs or Spices which have been long ſhut and heaped up together, are opened on a ſuddain; they who turn them or take them out firſt, are in great danger of Feavers and Inflamations of their ſpirits. Likewiſe there may be trial made, whether the Powders of ſuch Drugs or Herbs will dry Lard, or other fleſh hanged over them, as the ſmoak of fire will.

To the ſix and twentieth one.

Acrimony or Penetration is as well in cold things, as Vinegar, and Oil of Vitriol, as in hot things, as Oil of Origanum, or the like. And ſo likewiſe in Animate things they cauſe pain and ſmart, and in inanimate things they pull in ſunder the parts and conſume them: neither is there any Negative added to this Inſtance: And in animate or living things, there is never any pain, but is accompanied with ſome kind of heat.

To the ſeven and twentieth one.

Many are the actions and operations which are common both to heat and cold, though in a diverſe way. For Snow ſeems a while after the handling of it, to burn childrens hands: and cold keeps fleſh from putrefaction as well as fire; and heat contracts bodies and makes them leſs, and ſo doth cold. But it is better to leave theſe and the like things till we come to enquire of cold.

The third Aphoriſm.

THirdly, there is apparance to be made before underſtanding of Inſtances, in which Nature (of which Inquiry is made) is according to more or leſs, either making compariſon of the increaſe and decreaſe in the ſame ſubject, or making compariſon the one with the other in divers ſubjects. For the form of a thing, being the very thing it ſelf, and the thing not differing from the form otherwiſe than Apparancy and Exiſtency, or Outward, and Inward do differ, as well in order to man, as to the Univerſe; It therefore neceſſarily followeth, that no Nature muſt be taken for a true form, unleſs it continually decreaſe when Nature it ſelf decreaſeth: and likewiſe continually increaſeth when Nature it ſelf is increaſed. And this Table we commonly call the Table of Degrees or Table of Comparative.

The Table of Degrees or Comparatives in Heat.

WE will firſt ſpeak of thoſe things in which there is no Degree at all of Heat, but ſeem only to have a kind of a Potential heat, or a diſpoſition or preparation to heat. Then we will deſcend to thoſe things which are indeed actually and palpably hot to the touch, and of their ſtrength and degrees.

1. In ſolid and tangible bodies there is not any thing that of its own Nature is originally hot: For there is no ſtone, no metal, no ſulphur, nothing that may be digged up; no wood, no water, no carkaſs of a beaſt that is hot. And the hot waters of Baths ſeem to gain their heat by ſome chance or accident, either by ſome fire or flame within the earth, ſuch as we ſee is caſt out of Mount *Ætna*, and other hills; or by the conflict and ſtrife of bodies, as we ſee a certain heat excited in the diſſolving of Iron, and Pewter, ſo that there is no degree at all of heat in things inanimate which can be felt by man: yet they differ in degrees of coldneſs, for wood is not ſo cold as Metal. But this belongs to the Table of degrees in coldneſs.

2. Yet many inanimate things are very much diſpoſed to Potential heats and preparations to flame, as Sulphur, Marle, and Salt Peter.

3. Thoſe things which before were hot, as Horſe-dung or Lime, or peradventure Aſhes, or Soot, do retain certain hidden Relicks of their firſt heat, ſo that certain diſtillations and ſeparations may be cauſed in ſome things by burying them in Horſe-dung; and heat is excited in Lime by caſting water upon it, as we ſaid before.

4. Amongſt Vegetables there is not any Plant, or part thereof (as the Gum or Marrow) that ſeems hot being touched; But (as we ſaid before) green Herbs laid up cloſe together do heat. And ſo the inward feeling,

as

as that of the Palate, and Stomack; yea, and to the outward feeling alſo after they have been applyed for a while (as in Plaiſters and ointments) ſome Vegetables are hot, and ſome cold.

5. There is no part of any Beaſt after it is dead, or ſevered from the reſt of the body, wherein man can feel any heat: For horſe-dung it ſelf retains no heat in it, unleſs it be cloſe laid up or buried. Yet all manner of dung ſeems to have a Potential kind of heat, as appears by its fattening and enriching of ſoil. And likewiſe the carkaſſes of living things have ſuch a kind of hidden and Potential heat: So that in Church-yards, where people are buried dayly, the earth gathers a kind of occulted and hidden heat, which will ſooner conſume a body that is laid in it, than another pure earth. And amongſt the Indians (as it is reported) they have a certain kind of thin and ſoft web made of Birds Feathers, which hath a kind of in-bred force, by which it will diſſolve and melt Butter that is wrapped up in it.

6. All things that are of force to fatten and enrich ſoil, as Dung of all ſorts, Chalk, Sea-ſand, Salt and the like, have a kind of diſpoſition to heat.

7. Every Putrefaction hath in it ſelf the beginnings or grounds of ſome ſmall heat, though it cannot be perceived by the ſenſe of feeling: For even thoſe things which putrified turn to Maggots, as Fleſh and Cheeſe, ſeem not hot when you touch them; neither doth that rotten wood which ſhineth and gliſtereth in the dark, feel hot. But there is a kind of heat in putrified things, which ſometime betrays it ſelf by the ſmell.

8. Therefore the firſt degree of heat, which by the ſence of feeling is perceived to be hot, ſeems to be the heat of living things, which hath a great extent of degrees: for the loweſt degree which is in Inſects, is ſcarce to be felt, and the higheſt degree will hardly reach to that degree of heat which is in the Sun-beams, in hotteſt Countries and ſeaſons: neither is it ſo ſharp and vehement, but that you may endure your hand on it. And yet it is reported of *Conſtantius*, and ſome others, who were of an exceeding dry conſtitution of body, that being taken with a burning Feaver, they were ſo hot that you could not endure to hold your hand upon them.

9. Living Creatures have their heat increaſed in them, by Motion and exerciſe, by Wine and high food, venery, burning Feavers, and pain.

10. Living Creatures in Feavers which have intermiſſion, in the beginning of their fits are taken with a chillineſs and cold; and a while after they grow extream hot, which they likewiſe do in burning Agues and Peſtilent Feavers.

11. Let further Enquiry be made of the Comparative heat in divers Creatures, as Fiſhes, four-footed Beaſts, Serpents, Birds, and likewiſe according to their ſeveral and ſpecial kinds, as in a Lion, a Kite, a Man. For according to the common opinion, the Inwards of Fiſhes are not very hot, but the Entrails of Birds are extream hot, as Pigeons, Hawks, and Eſtridges.

12. Let there alſo further enquiry be made of the Comparative heat in the ſame Creature, according to the diverſity of its parts and members. For Milk, Bloud, Seed, Eggs, are found in a mean degree lukewarm, and leſs hot than the outward fleſh of a Creature, when it moves or is driven. But what degree of Heat is in the brain, ſtomack, heart, and the reſt, hath not likewiſe been enquired of.

13. All

13. All manner of Creatures, in winter, and cold weather are outwardly cold, but their inward parts are thought to be the hotter thereby.

14. The Heat of the Heaven of Element, in the hotteſt Countries and ſeaſons is not ſo in high a degree as to burn dry wood, or ſtraw, or light tinder which is made of Linnen, unleſſe it be corroborated by the help of a burning-glaſs; and yet it may draw up vapours out of moiſt things.

15. According to the relation of Aſtronomers, there are ſome ſtars hotter than other ſome. And amongſt the Planets, next to *Sol*, *Mars* is the hotteſt, then *Jupiter*, and then *Venus*. *Luna* is cold, and *Saturn* coldeſt of all. Amongſt the fixed ſtars, the hotteſt is that called *Sirius*, then the Lions heart, or *Regulus*, then the Dog-ſtar, *&c.*

16. The Sun caſts moſt heat when it groweth neareſt its perpendicular or Zenith; which is likewiſe ſo in other Planets, according to their portion of heat. As for example, *Jupiter* heats us more when he is in *Cancer*, or *Leo*, than when he is in *Capricornius* or *Aquarius*.

17. The Sun and the reſt of the Planets do heat more when they are in their *Perigæons*, by reaſon of their nearneſs to the earth, than in their *Apogæons*. And if it happen at any time the Sun to be in his *Perigæon*, and withal near his Perpendicularity, it muſt needs heat more than when it is in its *Perigæon*, but more in obliquity. So that the Compariſon of the Exaltation of the Planets ought to be noted whether it participate more of Obliquity or Perpendicularity; according to the variety of Regions.

18. *Sol*, and likewiſe the reſt of the Planets, are thought to yield a greater heat when they are neareſt to the greateſt fixed ſtars: as when *Sol* is in *Leo*, it is nearer *Cor Leonis*, *Cauda Leonis*, and *Spica Virginis*, and and *Sirius*, and *Canicula*, than when it is in *Cancer*, where notwithſtanding it is neareſt its Perpendicularity. And it is credible that the parts of the Heavens do infuſe the greater heat, (though it be not perceptible to the feeling) the more they are adorned with ſtars, eſpecially of the biggeſt kind.

19. The Heat of the Heavens is therefore increaſed three ways. By the Perpendicularity, the Propinquity or Perigæon, and by the Conjunction or Conſorting of Stars.

20. Howſoever there is a great difference between the heat of living Creatures, of Celeſtial beams (as they come to us) and flame, though it be never ſo weak, and all things heated with fire, and liquid things, or the air it ſelf being much heated by fire. For the flame of ſpirit of Wine, eſpecially if it be rarified, and not thruſt up together; yet is of force to burn ſtraw, or linnen, or paper, which the heat of a Creature can never do, nor yet the heat of the Sun, without the help of a burning-Glaſs.

21. Beſides, in flames, and fired things there are many degrees in the violence or weakneſs of heat. But of theſe there hath been no diligent Inquiſition: ſo that we muſt of neceſſity lightly run them over. Of flames therefore that of the ſpirit of wine ſeems to be the ſofteſt, unleſs that which they call *Ignis fatuus*, and thoſe flaſhes which are cauſed by the ſweat of beaſts be ſofter. Next is the flame of porous Vegitables; as ſtraw, ruſhes, drie leaves, from which the flame of hair, or feathers doth not much differ. Next unto this is the flame of wood, eſpecially ſuch wood as hath not much rozen or pitch in it, and the flame of ſmall wood (ſuch as commonly is made up in Faggots) is ſofter than that of great

logs.

logs, and timber, and roots of trees: a trial whereof may be made in Iron Furnaces, in which Faggots made of boughs of trees, are no way useful: Next to this (as we conceive) is the flame of Oil, Tallow and Wax, and such Oily and fat things which have not much acrimony in them; but the strongest heat is in Pitch and Rozen; and more fervent in Sulphur and Camphire, and Marle, and Salt-Peter, and Salts, (after the crude or raw matter is broken out) and in the compounds of these, as Gun-powder and Greek-fire, (which is commonly called Wild-fire) and several kinds of it, which have such an obstinate heat, that water will hardly put it out.

22. We also hold the flame which proceeds out of some imperfect Metals to be very strong and sharp: But of all these things we must enquire further.

23. But the flame of fierce and strong Lightnings seems to exceed all these: For it hath sometimes melted perfect Iron into drops, which none of those other flames could do.

24. In fired things also there are divers degrees of heat, of which also there hath been no diligent Inquisition made. We hold a most weak heat to be in burned Linnen, such as we use to kindle fire with, and likewise that of spungy wood, or dryed Match, such as is used to fire Guns withal. Next unto these comes a burning wood-coal, or Charcoal, and firy hot bricks, and the like. But of all fired things we hold firy Metals to be the most vehement hot, as Iron and Copper, *&c.* But of these there must be further Inquisition made.

25. There are some fired things far better than some flames. For fired or red hot Iron is far hotter and more burning than the flame of the spirit of wine.

26. There are also some things which are not fired, but only heated with fire and air shut up in Reverberatories. Some do much exceed in heat doth flames and fired things.

27. Motion increaseth heat, as we may find by experience in bellows and blowing: so that some of the hardest kind of Metals will not dissolve or melt with a dead fire, without it be blown up.

28. Let trial be made by burning-glasses, with which, as I remember, this may be done. As for example, if the Glass be set at the distance of a span from the combustible object, it will not light nor burn so well as if it be set (as for example) at the distance of half a span length, and so softly and by degrees be drawn to the distance of a whole span length: yet the Angles and union of the beams is the same, but the Motion it self increaseth the operation of the heat.

29. It is that those burnings which happen when it is a strong wind do proceed further when they are against the wind than with the wind, namely, because the flame beats back with a quicker motion when the wind sends it back, than when the wind drives it forward.

30. Flame doth not break out, or engender, unless there be some Concavity in which the flame may move and play, unless it be in flatuous and windy flames of Gun-powder and the like, where the compression and imprisoning of the flame increaseth the fury of it.

31. An Anvil is much heated by the hammer; so that if the Anvil were of a thin plate, we believe it might be heated by strong and continual blows of the Hammer, so far as to be red hot, as if it had been put in the fire. But this may be made trial of.

32. But in ſuch fired things which are porous, and give ſpace and way for the exerciſing of the Motion of the fire, if that Motion be hindered by a ſtrong compreſſion; the fire is preſently put out, as when tinder, or a burning ſnuff of a Candle or Lamp is preſſed or trodden out, preſently the operations of the fire do ceaſe.

33. The approaching or ſetting near of a thing to a hot body, increaſeth the heat, according to the degree of approaching; and the ſame effect is in light. For the nearer the object is ſet to the light, the more viſible it is.

34. The union of divers heats increaſeth the heat. For a great fire and a little fire in the ſame place, do ſomewhat one with the other increaſe the heat: But lukewarm water put into boyling water cools it.

35. The remaining or long ſtaying in a place of a hot body increaſeth the heat. For the heat continually proceeding and iſſuing out, is mixed with the heat which was there before; ſo that it multiplyeth the heat. For a fire will not heat a Chamber ſo much in half an hour as it will do in a whole hour. But it is not ſo in light; for a Lamp or a Candle ſet in a place, will give no more light after a long ſtay, than it did at the very firſt.

36. An irritation or exaſperation by the coldneſs which is round about, increaſeth the heat, as we find by fire in froſty weather: which we believe to be done, not only by the keeping in, and contracting of the heat, which is a kind of uniting it; but alſo by exaſperation: as when Air, or a ſtick is violently drawn together, it doth not flie out again punctually into its proper place, but goes further the contrary way. So let there be a diligent trial made, by a ſtick, or ſome ſuch thing thruſt into the flame, whether it doth not burn ſooner thruſt on the one ſide of the flame, than if it be thruſt into the middle of it.

37. The degrees of taking in, or receiving of heat are many. And firſt of all you muſt note how ſmall and little a heat will alter, and in ſome meaſure heat even ſuch things as are leaſt fit to take heat. For a Bullet of Lead, or any other metal will be ſomewhat heated by holding it for ſome time in a mans hand; ſo eaſily is heat excited, and tranſmitted into any thing, the body being no way apparently changed.

38. Of all bodies air doth moſt eaſily take, and ſend back heat, which may be eaſilieſt perceived in the Weatherglaſſes. They are made in this kind: Take a glaſs with a hollow belly, and a long and ſmall neck; let this glaſs be turned topſie turvie, the mouth downward, and the belly upward, and ſo let it be put into another glaſſe where there is water, touching the bottome of the receiving-glaſſe, with the mouth of the glaſs which is put in. And let the neck of the glaſs which is put, lean a little upon the mouth of the receiving-glaſs, which that it may the better do, let a little wax be laid about the mouth of the lower glaſs; but the Mouth muſt not be quite ſtopped, for fear leſt for want of ſucceeding Air, the Motion which we ſhall preſently ſpeak, be hindred, which is very delicate and eaſie. But the glaſs which is put in muſt firſt have the top of it, which is the belly, warmed. Then after the glaſs is placed, as we have ſaid, the Air will retreat and draw it ſelf up together, (which before was dilated, and ſpread abroad by heating) after a ſufficient pauſe, to quench that acquired heat to ſuch an extent and dimenſion as the air at that time ſhall be when the glaſs is put in, and the water ſhall be drawn up to ſuch a meaſure: And there muſt be a long and narrow paper hanged about

about it, and marked out with as many degrees as you ſhall think fitting. And you ſhall ſee as the time of the day grows hot or cold, that the Air will contract it ſelf into the leſſe compaſs by reaſon of cold, and extend and dilate it ſelf by reaſon of heat, which ſhall be perceived by the water aſcending when the Air cloſes up together, and deſcending when the air dilates or ſpreads it ſelf abroad. And the ſence of the air concerning heat and cold is ſo ſubtile and exquiſite, that it goes far beyond the faculty of mans feeling: ſo that a Sun beam, or the heat of ones breath, and much more the heat of ones hand, it being laid a top of the glaſs will manifeſtly cauſe the water to deſcend. But we believe that the ſpirit of Beaſts hath yet a more exquiſite feeling of heat and cold, if it were not hindred and dulled by the maſs of the body.

39. Next to the Air we believe thoſe bodies to be moſt ſenſible of heat, which are moſt immediately changed and altered from cold, as ſnow and Ice; for they begin to melt and be diſſolved with the leaſt heat and luke-warmneſs. Next to them peradventure is Quick ſilver. Next unto it are your fat bodies, or ſubſtances, as Oil, Butter, and the like; then Wood, then Water, and laſt of all Stons and Metals, which do not eaſily grow hot, eſpecially inwardly, But theſe being once hot, do retain their heat for a long time; ſo that a Brick or a ſtone, or a hot Iron being put into a tub of water for a quarter of an hours ſpace, more or leſs, will hold and keep their heat, ſo that you ſhall hardly be able to touch them.

40. The leſſer the maſs of the body is, the ſooner it heats, a hot body being laid near to it; which ſheweth that all manner of heat with us, is in ſome manner adverſe and contrary to any tangible body.

41. Heat, as concerning the humane ſenſe of feeling, is a various and reſpective thing: ſo that if we put our hand when it is cold into luke-warm water, the water will ſeem hot; if our hand be hot, the ſame water will ſeem cold.

The fourth Aphoriſm.

HOw poor we are in Hiſtory every one may eaſily perceive, by that in the precedent Tables: We have been forced not onely to inſert Traditions and relations inſtead of Hiſtory, making ſome queſtion and doubt of the Truth and Authority of them; but we have alſo oftentimes been conſtrained to make uſe of theſe or the like words: Let trial be made; or, let it be further enquired.

The fifth Aphoriſm.

AND we uſe to call the work and office of theſe three Tables, the appearance of the Inſtances to the underſtanding: and the appearance being made, the Induction it ſelf is to be ſet a work. For upon the appearances of all and every Inſtance, ſuch a Nature as may always be preſent or abſent, may increaſe or decreaſe with the Nature which is propoſed; and ſhall be, as we ſaid before, a limitation of common Nature. This if the mind do at firſt and from the beginning attempt to do affirmatively (which being left to it ſelf it always uſeth to do) we ſhall find ill determined notionals, phantaſms, and imaginary things, and Axioms daily to be amended; unleſs we will (according to the cuſtome of the Schools) fight for falſehoods. And yet they will queſtionleſs be either

better or worſe according to the faculty and ſtrength of the underſtanding which operates. To God (who is the giver and Maker of forms) or peradventure to Angels, and Underſtandings it may belong to know Forms immediately by way of affirmation, and in the beginning of Contemplation: But it is a thing indeed beyond mans capacity, who can at firſt proceed onely by Negatives, and at the laſt end with Affirmatives, after all manner of excluſion.

The ſixth Aphoriſm.

THere muſt therefore a ſolution and ſeparation of Nature be made; not by Fire, but by the Mind, as by a divine fire. Therefore the firſt work of a true Induction is (as concerning finding out of Forms) a Rejection or Excluſion of all, and ſingular ſuch Natures which are not found in any Inſtance where the ſuppoſed Nature is preſent; or that are found in any Inſtance where the ſuppoſed Nature is abſent; or that are found to increaſe in any Inſtance when the ſuppoſed Nature decreaſeth, or to decreaſe when the ſuppoſed Nature increaſeth. And then after the Rejection and Excluſion is rightly and d uly made, in the ſecond place (as in the bottom) will remain (all volatile opinions flying up into ſmoak) the ſolid, true, and well terminated Affirmative Form. And this is brief and eaſie to be ſpoken; but we muſt attain to it by many windings and circumſtances: And peradventure we ſhall not omit any thing that ſhall make to this purpoſe.

The ſeventh Aphoriſm.

BUt we muſt continually take heed and beware, leſt while we ſeem to attribute ſo many parts to Forms, the things we ſpeak be wreſted to thoſe Forms to which mens thoughts and contemplations have hitherto been accuſtomed. For in the firſt place we do not now ſpeak of copulated Forms, which are (as we ſaid before) the marriages or conjunctions of ſimple Natures by the common courſe of the Univerſe, as of the Lion, Eagle, Roſe, Gold, and the like. For it will be time to treat of them when we ſhall come to the hidden Progreſſions, and hidden Figurations, and the finding out of them, as they are to be found in ſubſtances (as they call them) or concrete Natures. And again, thoſe things which we ſpeak muſt not be underſtood, (alſo as concerning ſimple Natures) of abſtracted Forms and Ideas, either not dermined or ill determined in the matter. For when we ſpeak of Forms, we mean nothing elſe but thoſe Laws and determinations of a pure act which do order and conſtitute ſome ſimple Nature, as heat, light, weight in any ſuſceptible matter and ſubject: So that the Form of Heat, or the Form of Light, is the ſame thing as the Law of heat, or the Law of Light: neither do we ever withdraw our ſelves, or recede from the things themſelves, and the operative part. Therefore when we ſay (as for example) in the Inquiſition of the Form of heat; Reject tenuity, or tenuity is not of the Form of Heat, it is as much as if we ſaid, a man may bring in heat upon a condenſed or ſolid body; or contrariwiſe, a man may take, or put away heat from a thin and tenuous body. And if to any one it ſeems that our Forms alſo have ſomething of the Abſtract becauſe they mix and joyn together Heterogeneal,

als; (for the heat of heavenly things and fire ſeem to be very Heterogeneal, the redneſs which is fixed in the roſe or the like, and that redneſs which is the Rain-bow, or the luſter of an Opall or a Diamond; Death by drowning, Burning, by a prick of a Sword, by an Apoplexy, and by Conſumption, and theſe do agree in the Nature of Heat, Redneſs, Death,) let him know that he hath an underſtanding captivated and kept in by cuſtome, integrality of things, and by opinions. For it is moſt certain, that theſe things, though they be Heterogeneal and Alien, yet they agree in the Form, or Law, which ordains Heat, Redneſs, or Death. And that humane power cannot be emancipated and freed from the common courſe of Nature, and be enlarged and exalted to new Efficients, and new ways and means of operating, but onely by revealing and inventing of ſuch Forms. And yet after this union of Nature, which is the moſt principal thing, we will afterward, in its proper place, ſpeak of the diviſions and veins of Nature, as well ordinary, as thoſe which are internal, and moſt true.

The eighth Aphoriſm.

NOw we muſt propoſe an Example of the Excluſion or Rejection of Natures, which by the Tables of Appearance are found to be not of the Form of Heat; Giving you in the mean time to underſtand, that not onely each Table is ſufficient for the Rejection of any Nature, but alſo each ſeveral Inſtance contained in them. For it appears plainly by what hath been ſaid, that every contradictory Inſtance doth deſtroy what may be thought of the Form: yet notwithſtanding, for perſpicuities ſake, and to demonſtrate the uſe of the Tables more plainly, we double or repeat the Excluſive.

An Example of the Excluſive, or Rejection of natures from the Form of Heat.

1. BY the Beams of the Sun, Reject the Elementary Nature.

2. By common fire, eſpecially fires under ground (which are moſt remote and ſecluded from the Celeſtial beams) Reject the Celeſtial Nature.

3. By all manner of Calefactions of bodys, (namely Minerals, Vegitables, exterior parts of Animals, or living Creatures, Water, Oil, Air, and the like) only by putting them near to the fire, or any other hot body, Reject all manner of Variety, or more ſubtile texture or compoſure of bodies.

4. By Iron and other metals made red hot, which heat other bodys, and yet are no ways diminiſhed in their weight or ſubſtance; Reject the infuſion or mixture of the ſubſtance of another hot thing.

5. By hot Water, and Air, and alſo by Metals and other ſolid things heated, but not to that degree to be firy, or red hot; Reject Light.

6. By the Rays of the Moon and other Stars, (the Sun only excepted,) Reject alſo Light.

7. By the Compariſon of Red hot Iron, and the flame of the Spirit of Wine (of which the Red hot Iron hath more heat, and leſs light, and the Spirit of Wine more light and leſs heat) Reject Light alſo.

8. By Gold and other Red hot Metals, which are generally of a moſt thick body; Reject Tenuity or Thinneſs.

9. By air, which for the moſt part is cold, and yet remains tenuous and thin. Reject alſo thinneſs or tenuity.

10: By

10. By Red hot Iron, which doth not ſwell in the maſs, but remains ſtill within the ſame viſible dimenſion; Reject Local or Expanſive Motion in general.

11. By the dilatation of air in Weather-glaſſes, and the like, which moveth manifeſtly, locally, and expanſively, and yet receives no manifeſt increaſe of heat; Reject alſo Local and Expanſive Motion in general.

12. By the eaſie Tepefaction or making Luke-warm of all manner of bodys without any deſtruction, or notable alteration; Reject the deſtructive Nature, or violent infuſion of any new Nature.

13. By the conſent and conformity of like operations done by Heat and Cold: Reject both Expanſive, and Contractive cold in general.

14. By the kindling of heat by Attrition or violent rubbing together of bodies; Reject the Principal Nature. We call that Principal Nature which is found poſitive in Nature, and is not cauſed by precedent Nature: There are alſo other Natures, for we do not make up perfect Tables, but only ſet down Examples. All and ſingular the former Natures are not of the Form of heat. And man is free of all the foreſaid Natures, in his operation upon heat.

The Ninth Aphoriſm.

IN the Excluſive are laid the grounds and foundations of the true Induction, which notwithſtanding is not perfected until it be ſetled in the Affirmative. Neither is the Excluſive any way perfect, nor cannot be ſo in the beginnings. For the Excluſive is (as it plainly appears) a Rejection of ſimple Natures: and if we yet have not good and true notions of ſimple natures, how can the Excluſive be rectified? But ſome of thoſe which we have ſpoken of (as the notion of the Elementary nature, the notion of the Celeſtial nature, the notion of Tenuity) are wandring notions, that are not well terminated. We therefore who both know and remember what a great work we undertake (namely to make the underſtanding of Man equal to things, and to nature) will no way give over with that which we have already ſpoken; but will carry the matter on further, and are framing and diſtibuting ſtronger helps for the uſe of the underſtanding, which we will now adde. And truly for the interpreting of nature, the mind is to be ſo prepared and framed, that it may hold it ſelf up in the true degrees of Certitude; and yet think (eſpecially in the beginnings) that thoſe things which are preſent, do much depend upon them which after.

The tenth Aphoriſm.

YEt becauſe truth is ſooner gotten out of error than out of confuſion, we think it were fitting to ſuffer the the underſtanding after it hath ſtudied and pondered upon the three Tables of the firſt Appearance (ſuch as we have laid them down) to prepare it ſelf and attempt the work of the Interpretation of nature in the Affirmative, as well out of the Inſtances of the Table, as of thoſe things which ſhall otherwiſe preſent themſelves unto him. Which kind of Trial we uſe to call a Permiſſion of the underſtanding; or a begun Interpretation, or firſt.

The

The first Vindemiation of the Form of Heat.

WE must note, that the Form of the thing is (as it plainly appears by what we have spoken before) in all and each of those Instances, in which the thing it self is, otherwise it would not be a Form: So that there can be no contradictorie Instance given. Yet the Form is found far more conspicuous and evident in some Instances then in other-some: namely, in such where the nature of Form is lesse restrained, hindred and reduced into order by other Natures: And such Instances are called Enlightnings, or Ostensive Instances. We must therefore proceed to the first Vindemiation of the Form of Heat. In all and singular Instances Nature whose limitation is heat, seems to be a motion, which is most plainly shewn in Flame, which always moveth, and in boiling or seething Liquors, which do continally move. And it likewise appears, in the hastning and increase of heat made by Motion, as in Bellows and Winds, whereof see Instance 29. Table 3. And likewise in other kinds of Motion, whereof see Instance 28. and 31. Table 3. Again it is shewn in the extinction of fire and heat by a strong compression, which stays and causeth Motion to cease: whereof see Instance 30. and 32. Table 3. It is also made manifest in this, that any kind of body is destroyed, or at least notably altered by any kind of fire, and strong and vehement heat. Whereby it plainly appears, that Heat doth cause a tumult and perturbation, and a sharp Motion in the inward parts of the body, which by little and little inclines to a dissolution. Let that which we have said of Motion, (namely that it is in place of a Genus to heat) not that heat ingenders Motion, or that Motion ingenders heat (though these be true in some thing) but that the very self-heat, or the quiddity it self of heat is Motion and nothing else, but limited by differences, which we will prepresently adde, after we have set down some Cautions to avoid the Equivocation. A thing hot to the sense is a respective thing, and in order to man, and not to the universal, and it is rightly laid as an effect of heat onely in the Animal spirit. And in it self also it is a different thing, seeing the same bodie (according as the sense is prediſposed) brings in the perceivance both of heat and cold, as appears by the Instance 41. Table 3. Neither must the communication of heat or its Transitive Nature, by which one body laid to another body that is hot, doth also grow hot, be confounded with the form of heat. For heat is one thing, and Calefactive or causing of heat is another For by the Motion of Attrition heat is brought in, without any preceding heat: whereby the Calefactive or causer of heat is excluded from the Form of heat. And likewise when heat is made by the approximation or drawing near of heat, this is not done out of the Form of heat, but wholly depends upon a higher and more common Nature, namely the Nature of Assimilation or Multiplication of it self; whereof must be a several Inquisition made. But the notion of fire is vulgar, and nothing worth; for it is composed of the concourse or meeting of heat and brightness in some one body, as in ordinary flame, and bodies heated to the height of being red hot.

Laying therefore all Equivocals aside, we must at last come to the true Differences, which limit the Motion, and bring it into the Form of Heat.

The

THe firſt Difference therefore is, that Heat is an Expanſive Motion, by which the body ſtrives to dilate and ſpread abroad it ſelf, to grow into a greater ſphere or dimenſion than it held at firſt. And this Difference ſhews it ſelf moſt manifeſtly in the flame where the ſmoak or fat breath doth manifeſtly open and dilate it ſelf into flame.

It appears alſo in all boyling liquor, which manifeſtly ſwels, riſes, and bubbles, and forces a way of extending it ſelf, till it turns into a body of greater extent, and more dilatated than the liquor it ſelf: namely, into vapour, or ſmoak, or Air.

It ſhews it ſelf alſo in all manner of wood, or combuſtible things; wherein ſometimes there is a ſweating, and always an evaporation.

It ſhews it ſelf alſo in the melting of Metals, which (being of a moſt compacted body) do not eaſily ſwell nor dilatate themſelves, and yet their ſpirit after it is dilatated within it ſelf, and conſequently deſires a greater dilatation, it thruſts and plainly drives the thicker parts into the liquid. And if the Heat be encreaſed, and made more violent, it reſolves and turns much of it into volatile.

It ſhews it ſelf alſo in Iron or Stones, which though they do not melt and run, yet they grow ſoft: which appears alſo in wooden rods or ſticks, which being heated in hot Embers, become flexible.

But this Motion is beſt diſcerned in the Air, which by a little heat preſently and manifeſtly dilatates it ſelf, as by Inſtance 38. Table 3.

It ſhews it ſelf alſo in the contrary Nature, namely of cold. For cold doth contract and ſhrink up all bodies; ſo that in extream cold weather nails will fall out of walls, Braſs will crack, and Glaſs alſo being heated and preſently laid in the cold will crack and break. The Air alſo with every ſlight cold will contract it ſelf, as Inſtance 38. Table 3. But of theſe things we will ſpeak more at large in the Inquiſition of cold.

Neither is it to be wondred at, though heat and cold do work many common effects, (whereof ſee Inſtance 32. Table 2.) ſeeing there are two of the following Differences (which we will preſently ſpeak of) which belong unto both Natures: though in this Difference (whereof we now ſpeak) the actions be diametrically oppoſite. For heat gives an Expanſive and Dilatating Motion; And cold gives a Contracting and Shrinking Motion.

THe ſecond Difference is a Modification of the firſt, namely this; That heat is an Expanſive Motion, or a Motion towards the circumference, but with this limitation, that the body muſt withal be carried upwards. For queſtionleſs there are many mixt Motions: as for example, an Arrow or a Dart in going forward wheels about, and wheeling about it goes forward: So likewiſe the Motion of heat is both expanſive and bearing upward.

This Difference plainly appears by putting of a fork or Iron Bar into the fire; for if it be put into the fire perpendicularly, and hold your hand upon it, it will quickly burn your hand, which it will not do ſo ſuddenly if it be put in ſide-way or lower.

It alſo appears by diſtillations in a Deſcending Still, ſuch as are uſed for the tendereſt kind of Flowers, the ſmell whereof eaſily vaniſheth away: Wherein Induſtry hath invented this way to place the fire upon, and not under the Still, to the end that it may ſcorch leſs; for not onely flame, but all manner of heat naturally tends upward. Let

Let a Trial or Experiment of this be made in the contrary nature of cold, namely, whether cold doth not contract the body descending downward, as heat doth dilatate it ascending upward. Take two Iron rods, or two glass Trunks, both of one bignes and proportion, and let them be made somewhat hot, and lay a spunge dipped in cold water, or some snow under one, and upon the other; And we believe that will sooner be cold all over which hath the snow above it, than that which hath the snow beneath it: Contrary to the effect which is wrought by heat.

THe third Difference is, that heat is a motion not uniformly Expansive in all parts, but in some lesser parts of the body; and withal restrained, repelled, and reverberated, so that it turneth to an alternative, trying, and striving motion, chafed by the repercussion, whence the raging of heat and fire takes it beginning.

And this difference is most of all perceived in flame and boyling liquors; which always quake, and swell up in small parcels, and then sink again.

It is shewn also in those bodies which are so hardly compacted together, that being heated or fired, they do not swell nor increase their bulk or mass; as red hot Iron, in which is a most sharp heat.

This appears also in that, that fire scorcheth most in cold weather.

Likewise it appears by this, that when Air is extended in a Weather-glass, without any let or repulsion, that is to say, uniformly and equally, the heat is not perceived. Likewise in winds which are inclosed and shut up, though they break out with a mighty force, yet there is no notable heat perceived; because the Motion is of the whole, and not alternative by parcels. And for this let trial be made, whether flame doth not burn more sharply toward the sides than in the middle.

It appears also in this, that all manner of burning is performed thorow small pores of the body which is burned; so that burning doth undermine, penetrate, dig, and prick, as if there were an infinite sort of needles. And thence it comes that all strong waters (if they be proportioned to the body upon which they operate) do work and operate like fire, thorow their corroding and piercing Nature.

And this Difference, whereof we now speak, is common to the Nature of cold, in which the contractive Motion is restrained by the reniteney or opposition of expansion: As in heat the expansive motion is restrained by the retinency or hanging back of contraction.

So that whether the parts of the body do penetrate inwardly, or outwardly, the reason is alike; though the strength or force be very unequal and different; for we have not here with us upon the superficies of the earth any thing that is cold in an Extream degree. See Instance 27. Table 9.

THe fourth Difference is a modification of the first; Namely this, that the motion of pricking or penetration, must be somewhat swift, and not slow and dull; and that it must be done by parcels, though small ones: yet not extream small, but of a mean bignes.

This Difference appears in comparing of the operations done by fire with thoſe which are performed by time or age. For age or time dries up, conſumes, ruins, and turns to aſhes as well as fire, or rather more ſubtily. But becauſe ſuch a kind of motion is very ſlow, and is wrought upon very ſmall parcels, the heat is not perceived.

It appears alſo in comparing the diſſolvings of Iron and Gold; for Gold is diſſolved without raiſing any heat, but Iron with a moſt vehement ſtirring up of heat, though for the time, it be almoſt in the ſame quantity. Becauſe that in Gold the ingreſs or entrance of the water of ſeparation is mild, and inſinuates it ſelf ſubtily, and the parts of the Gold do yield eaſily: But in Iron the ingreſs is harſh, and with ſome conflict, and the parts of the Iron ſhew more obſtinacy.

It appears alſo in ſome Gangrenes, and Mortifications of the fleſh; which do not cauſe any great heat or pain, by reaſon of the ſubtilneſs of the Putrefaction.

And let this be the firſt Vindemiation or inchoated interpretation of the Form of heat, made by the permiſſion of the underſtanding.

And by this firſt Vindemiation the Form or true Definition of heat, (namely of that heat which in reſpect of the Univerſal, not only relative to the ſenſe) is in few words this. Heat is an Expanſive Motion, cohibited, and ſtriving by the leſſer parts: and Expanſion is modified, that expanding or ſpreading it ſelf out in circuit, it muſt notwithſtanding incline ſomewhat upward; and that ſtriving by parts is likewiſe modified, that it ought not to be altogether ſlow, but ſomewhat ſwift, and with ſome violence.

And concerning what belongs to the Operative it is the ſame thing; for the Deſignation or Deſcription is this: If in any natural body you can excite a Motion to dilatate and ſpread out it ſelf, and can ſtay back that motion, and ſo turn it againſt it ſelf, that dilatation may not proceed equally, but partly proceed, and partly be beaten back, you will queſtionleſs engender a heat: not any way regarding whether it be an Elementary body, (as they call it) or imbrued by the Celeſtial; whether luminous or dark; whether thin or thick; whether locally ſpread abroad, or contained within the incloſures of the firſt dimenſion; whether tending to diſſolution, or remaining in the ſame ſtate, whether Animal or Vegitable; whether Mineral or Water; whether Oil or Air, or any other ſubſtance whatſoever, ſo it be ſuſceptible of the foreſaid motion. A hot thing to the ſenſe is the ſame, but with ſuch an Analogy as is fitting for the ſenſe.

The Diviſion of Heat.

IT ſeems to be a cuſtomary and authentical diviſion, that there are three kinds of heat; Namely, the heat of Celeſtial things, the heat of Animals, or living creatures, and the heat of fire; and that theſe heats, (eſpecially one of them compared to the other two) are in their eſſence and kind, or their ſpecifical Nature, meerly different, and altogether heterogeneal. For the heat of heavenly and animal things ingenders and cheriſhes; whereas contrarariwiſe the heat of the fire corrupts and deſtroys.

There

There is therefore an inſtance of contract, and that is a common trial when we take a branch of a Vine into a room where there is ordinarily a fire, by it Grapes will ripen ſooner than they will abroad, by a month. So that the ripening of fruit even when it hangs upon the tree, may be effected by fire, which ſeems to be a proper work of the Sun. So that from this beginning the underſtanding eaſily returns it ſelf, rejecting the eſſential Heterogeneoſity, to enquire what, or which are thoſe differences which are really and truly found between the heat of the Sun, and that of the fire, from which it proceeds that their operations are ſo diverſe and different, though they themſelves participate in a common nature: which differences we ſhall find to be four. The firſt that the Heat of the Sun, in reſpect of the heat of the Fire, is in degree much ſofter and milder. Secondly, that it is (eſpecially as it is conveyed to us thorow the Air) of a much more moiſt quality. Thirdly, (which is the very chiefeſt of the buſineſs) that it is extreamly unequal, and drawing near and increaſed, and then receding or going back and diminiſhed, which is of no ſmall moment or improvement in the generation of bodies. For *Ariſtotle* did moſt truly affirm, that the principle cauſe of generations and corruptions which are here with us upon the ſuperficies of the earth, is the oblique way of the Sun thorow the *Zodiack*: whereby the heat of the Sun, partly thorow the viciſſitudes of day and night: partly by the ſucceſſive ſeaſons of winter and ſummer, proves wonderfully unequal: Neither doth this man end there, but preſently ſpoils and makes bad that which he had rightly found out. For as an Arbitrator of Nature, (which is his common practice) he Magiſtrate-like aſſigns the cauſe of Generation to the approach of the Sun, and the cauſe of corruption to the receding and going away of it: When both (namely, the acceſs, or receſs of the Sun) not reſpectively, but in a manner indifferently, yield cauſe as well for Generation as Corruption: foraſmuch as the inequality ſerves onely to the Generation and Corruption of things, and equality to the preſervation of them. There is alſo a fourth Difference between the heat of the Sun, and the heat of the fire, which is of great moment: namely, that the Sun inſinuates its Operations in long ſpaces of time: whereas the Operations of Fire (Mens impatiencies forcing it thereunto) do bring things to an iſſue in a ſhorter time. For if any man ſhall carefully attempt, to temper the heat of the Fire, and reduce it to a more moderate and mild Degree (which may be done many ways) and ſprinkle it, and mix it with ſome moiſtneſs, eſpecially if he imitate the heat of the Sun in its inequality; and laſtly, tolerate or ſuffer delay patiently (not ſuch a delay as ſhall be proportionable to the operations of the Sun, but more than that which men uſe to have in the operations of the Fire) he will quickly lay aſide that Heterogeneoſitie of heat; and either he will, or equal, or in ſome things even exceed the operations of the Sun, by the heat of the Fire. The ſame Inſtance of Covenant is, the reviving of Butter-flies ſtupified and as it were dead thorow Cold, with a little luke-warmneſs of fire: Whereby you may eaſily diſcern, that the Fire may as well viviſie living things, as ripen Vegitables.

Alſo that famous Invention of FRACASTORIUS, of a Frying-panne ſtrongly heated, which Phyſicians hold about the Heads of thoſe who are fallen into a deſperate Apoplexie, which manifeſtly

dilatates and extends the Animal Spirits contracted and preſſed together, and almoſt extinguiſhed by Humours and Obſtructions of the Brain, and excites them to Motion even as Fire doth Water or Air, and conſequently vivifieth. Likewiſe Eggs are ſometimes hatched by the Heat of Fire, and many ſuch like things are done; whereby no man can queſtion, or make a doubt, but that the Heat of fire in many ſubjects may be Modified to the Image of Celeſtial and animal Heat.

The

The Lord FRANCIS BACON of *Verulam* of the ſeveral kinds of Motion.

OR

Of the active Vertue.

Of Divers Kinds of Motion.

LET the firſt Motion be of the Antitype of matter which is in each parcel and portion thereof, whereby it will not be quite annihilated and brought to nothing: ſo that no burning, no weight or depreſſion, no weight nor no violence, nor any age or length of time can reduce any the ſmalleſt portion of matter to nothing; but it muſt ſtill be ſomething, and take up ſome place, and free it ſelf, (into what neceſſity ſoever it be brought) either by changing form or place, or (if it can do no otherwiſe) ſubſiſt as it is. Neither doth it ever come to that paſs, either to be nothing, or no where. Which Motion the Schools (which almoſt always name and define things rather by effects and diſcommodities, than by Internal cauſes) either points at by that Axiome, That two bodies cannot be in one place; or calls it a Motion, that there may be no penetration of dimenſions. Neither is it fitting to propoſe any examples of this Motion; for it is in every manner of body.

Let the ſecond Motion be the Motion which we call of Connexion by which bodies will not ſuffer themſelves in any part to be ſevered from the touching of another body, as rejoycing in that mutual connexion and touching. Which Motion the Schools call the Motion of their being no vacuity; as when water is drawn up by ſucking, or by Pipes; the fleſh by Ventoſes or Cupping-glaſſes; or when water ſtands ſtill and remains in Pitchers with holes in them, unleſs the Pitcher be opened, and the Air let in; and many things of this kind.

Let the third Motion be that Motion which we call of Liberty, by which bodies ſeek to free themſelves from a preternatural preſſure or ſtretching, and reſtore themſelves into a dimenſion fitting for their bodies. Of which Motion there are likewiſe innumerable examples, (as concerning the freeing from Preſſure) of water in ſwimming, of air in flying, of the Water in rowing, of the Air in the waving of winds: Neither doth the Motion of the Air thruſt up together, ſhew it ſelf very abſurdly in Guns, which Children play with, and are commonly called Pot-guns, which are made of a piece of Elder made hollow, into which they thruſt a piece of ſome juycie root or the like at both the ends: then with a Scowrer they thruſt this root up at one end towards the other

root

root which is at the other end, which flyeth out with a ſound before the lowermoſt root or the ſcourer toucheth it. As for the freeing from tenſure or ſtretching, this Motion ſhews it ſelf in an Egg-ſhel after the Egge is ſucked up, in Strings, and Leather, and Cloth, which will ſhrink up again after they are ſtretched, unleſs they have quite altered their dimenſions by ſtanding too long a time ſtretched, *&c.* And this Motion the Schools call the Motion out of the Form of the Element; and that ignorantly enough, ſeeing that this Motion belongs not only to air, water, and flame, but to every diverſity of conſiſtencies; as of Wood, Iron, Lead, Cloth, Parchment, *&c.* In which each ſeveral bodies have a model or prefixed extent of their dimenſions, and from thence are hardly drawn to any notable ſpace. But this Motion of Liberty being moſt obvious and belonging to infinites, it will be adviſedly done to diſtinguiſh it plainly and well; for many do moſt careleſly confound this Motion with the other two of Antitype and connexion. Namely, the Motion from Preſſure, with the Motion of antitypie, and that of extenſion with the Motion of connexion. Therefore if the compreſſed bodies did yield or extend themſelves that there might not follow a Penetration of dimenſions, the bodies extended would grow back and contract themſelves that Vacuity might not follow: But if compreſſed air would recover and turn it ſelf into the thickneſs or denſity of Water, or Wood into the denſity of a ſtone, penetration of dimenſions would be needleſs; and yet there might be a far greater Compreſſion than they can any way admit of. And in the ſame manner, if Water could dilatate it ſelf into the rarity of air, or a Stone into the rarity of Wood, there would be no need of vacuity; and yet there might be a far greater extenſion of them, than they can any way ſuffer. Therefore the thing is not reduced to Penetration of dimenſions, and vacuity, but only in latter ends of Condenſation and Rarefaction; when notwithſtanding, theſe Motions ſtay and ſtop a long way on this ſide of them, and nothing elſe but deſires of the bodies to preſerve themſelves in their own Conſiſtencies, (or if they had rather, in their own Forms) and not to recede from them ſuddenly, unleſs they be altered by mild means, and by conſent. But it is far more neceſſary (becauſe it draws many things after it) to have it intimated unto men, that a Violent Motion (which we call Mechanical; and *Democritus*, who in expediting of his firſt Motions may be accounted leſs than the meaneſt of Philoſophers, calls the Motion of the Coaſt) is nothing elſe but the Motion of Liberty, namely from compreſſion to Relaxation. For in every ſimple Protruſion and thruſting forward, or flying in the air, there is no ſummotion or local carriage, before the parts of the body do preternaturally, or beyond nature ſuffer, and be compreſſed by the driver; and then the Parts ſucceſſively thruſting one another, the whole is carried, not only going forward, but withall wheeling: that by this means the Parts may free themſelves, or ſuffer more than is juſt. And ſo much for this Motion.

Let the fourth Motion be that which we have termed Motion of *Hyles*; which Motion is in a manner contrary to that Motion which we have ſpoken of, namely, the Motion of Liberty. For in the Motion of Liberty, the bodies do utterly abhor, reject and ſhun a new Dimenſion, or new Sphere, or new Dilatation or Contraction, (for this variety of words expreſs all one thing) and ſtrive with all their might to recover, and return to their old Conſiſtency. But contrariwiſe in this motion of *Hyles*, the bodies do deſire

desire a new Sphere or Dimension, and do willingly, and withall their might (as in Gun-powder) hasten towards it. But the most powerful, and most frequent, if not the onely instruments of this motion, are Heat and Cold. As for example, if air be dilatated by Tensure or stretching out, as by sucking of Glass-Eggs, it hath a longing desire to be restored: But if you apply Heat to it, it will contrariwise desire to be dilatated, and to be in a new Sphere, and passes into it willingly as into a new Forme, as they call it. Neither after it is dilatated doth it care for returning, unless it be invited to it by application of some cold thing, which is not properly a return, but a repeated Transmutation. And in the like manner, water, if it be restrained within narrower bounds by compression, it spurns against it, and desires to be again what it was, namely, larger. But if there comes a strong and continued cold, it chargeth willingly and of its own accord, and is condensed into Ice: and if the cold continue, and is not interrupted by warm weather, (as it is oftentimes in deep Caves and Grots) it turns to Chrystal, or some such like matter, and is never restored to its primitive being.

Let the fifth motion be the motion of Continuation; we do not mean the simple and primary continuation with some other body or substance (for that is the motion of Connexion) but of Continuation of it self in a certain body. For it is most certain, that all bodies do abhor the dissolution of Continuity, some more, some less, but all in some measure. For as in hard bodies, (as steel or glass) the reluctancy against Discontinuation is very strong; so in Liquors, where this kind of motion seems to cease, or at the least languish, yet there is not an absolute pivation of it, but it plainly remains in them, as in the lowest degree, and shews it self in, and by many experiences, as in Bubbles, and the roundness of drops, in the smallest threads of running Gutters, and in the holding together, and drawing out as it were in threads of glutinous bodies, and the like. But this desire is most plainly apparant, if we attempt a discontinuation by lesser fractions. For in Morters after Contusion is made to a certain degree the Pestel operates no more: Water will not get in at the smallest chinks or crevises: and Air it self notwithstanding the subtileness of its body, cannot suddenly pass thorow the pores of solid Vessels, but by a long insinuation.

Let the sixt Motion be the motion which we call a Motion to Lucre or Gain: Or the motion of Indigency or Want. Which is that by which bodies when they converse amongst others, which are meerly Heterogeneal, and as it were enemies; if they can but get a conveniency or means to avoid those Heterogeneals, and apply themselves to such as have more affinity with them, (though even they do not thorowly agree with them) they presently embrace them, and make choice of them, and seem to make some gain thereby; from whence we have taken the word, as being in want and Indigency of such bodies. As for example, Gold or any other metal beaten out to leaf, delights not in having Air about it; therefore if it can come at some thick and tangible body, (as a finger, paper, or the like) it sticks presently, and can hardly be gotten off. Likewise Paper, and Cloth, and the like, do not well agree with the air which is inserted and commixed in their Pores; wherefore they willingly drink in water, and drive out the Air. Likewise Sugar or a Spung put into Water or Wine, though part of them stand up, and be far above the Water or Wine, yet by little and little, and by degrees they draw the Water or Wine upwards.

wards. From whence is taken an excellent rule for the opening and ſolution of bodies; for laying aſide Corroſives, and ſtrong waters, which open a way for themſelves, if there might be found a proportionate and more agreeing and conſenting ſolid body, than that wherewith it is (as it were through neceſſity) mixed, preſently the body ſlacks, and opens it ſelf, and receives the other within it, excluding and putting away the firſt. Neither doth this Motion to Lucre onely operate, or hath power upon the feeling: For the Operation of Amber, (of which *Gilbertus* and others ſince him have raiſed ſuch Fables) is no other but the Appetite of the body raiſed and excited by ſome light frication or rubbing, which doth not very well tolerate the Air, but had rather have ſome other tangible thing, if ſo be there be any near unto it.

Let the ſeventh Motion be the Motion (which we call) of greater Congregation; by which bodies are carried to the maſſes of the Connaturals, as ponderous things to the Globe of the earth, light things towards the circumference of the heavens. This the Schools upon ſlight contemplation have ſpecified by the name of Natural Motion: Becauſe there was nothing of *ab extra*, or externally to be ſeen which ſhould cauſe that Motion, (therefore they thought in-bred and placed firmly in it:) Or peradventure becauſe it doth not ceaſe: Which is no marvail, for the heaven and the earth are always ready and at hand; whereas contrariwiſe, the cauſes and beginnings of moſt of the other Motions are ſometimes abſent ſometimes preſent. Therefore becauſe this doth intermit, but always meets the other when they intermit, they made this perpetual and proper, and the reſt as it were but acquired. But this Motion is indeed weak and dull enough, as ſuccumbing and yielding (unleſs there be a greater maſs of body) to other Motions as long as they are in operation. And though this Motion hath ſo filled mens thoughts, that it hath almoſt hidden all other Motions, yet it is but little that men know of it, but are plunged in many errors about it.

Let the eight Motion be the Motion of the leſſer Congregation, by which the Homogeneal parts in any body ſeparate themſelves from the Heterogeneal, and come together amongſt themſelves: by which alſo whole bodies, through ſimilitude of ſubſtance, embrace and nouriſh one another, and ſometimes are congregated and drawn together from ſome diſtance; as when the cream, after ſome pauſe of time, ſwims upon the top of the Milk, the Lees and Tartar ſettle at the bottom of the Wine. For theſe things are not done by the motion of Gravity and Levity, that ſome parts ſwim at the top, and others go to the bottom, but through the deſire of the Homogeneals of comming together, and uniting themſelves. And this motion differs from the motion of Indigency in two things. The firſt, that in the Motion of Indigency there is a greater provocation of the Malignant and contrary nature: but in this motion (if there be no obſtacles or tyes) the parts are united by friendſhip, though the Alien Nature be abſent, which moveth ſtrife. The ſecond thing wherein they differ, is, that the union is more ſtrict, and as it were with more delight: For in the other, ſo that the adverſe body be ſhunned, thoſe bodies which have no great affinity one with the other, do notwithſtanding concur: But in this ſubſtances come together, which are knit one to another as it were by a twin-like ſubſtance, and are in a manner made up into one. And this motion is in all compounded bodies, and would eaſily be ſeen in each one of them, if it were not tyed up

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and reſtrained by other appetites and neceſſities of bodies, which diſturb this Coition and going together. And this motion is moſt commonly tyed and bound up three ways; By the numneſs of bodies; The curb of the predominant body; And the external motion. As for the numneſs of Bodies, it is moſt certain, that there is in all Tangible bodies a kind of ſloth, either more or leſs, and a kind of averſion from local Motion, ſo that unleſs they be excited and ſtirred up thereunto, they had rather remain in that ſtate wherein they are, than ſeek after a better. And this Numneſs, or Dulneſs, or Sloth, is to be ſhaken off by a threefold help: Either by heat, or by an eminent Vertue of ſome allyed body, or by a lively and powerful motion. And firſt as concerning the aſſiſtance of heat, from thence it proceeds that heat is defined to be that ſeparates Heterogeneals, and brings Homogeneals together. Which definition of the *Peripateticks*, *Gilbertus* did moſt deſervingly deride, ſaying that it is as if a man ſhould define a man to be it which ſoweth Corn, and planteth Vineyards, which is but only a Definition by effects, and thoſe alſo particular ones. And this Definition is yet further to be blamed: For thoſe effects (whatſoever they be) proceed not from the propriety of heat, but only by meer accident (for cold will do the ſame, as we ſhall ſhew hereafter) namely, by the deſire which Homogeneal parts have to come together: Heat onely helping to ſhake off the dulneſs, which before had bound up the deſire. Secondly, as concerning the Aſſiſtance of the vertue of the allyed body that doth wonderfully appear in an armed Load-ſtone. For the Nature of an armed Load-ſtone is ſuch, that at a certain diſtance it will not draw nor attract Iron ſtronger than a Load-ſtone which is not armed: but if the Iron be brought ſo near to it, that the armed Loadſtone touch it, it will take up a greater quantity of Iron than a plain and unarmed Loadſtone, by reaſon of the ſimilitude of the ſubſtance of Iron to Iron. Thirdly, as concerning the aſſiſtance of Motion, it may be perceived in Arrows which are made all of wood, and are not headed with Iron, of which it is reported, that being ſhot out of a Peece of Ordnance will penetrate further into any wooden ſubſtance (as the ſides of ſhips or the like) than thoſe which are headed with Iron, by reaſon of the ſubſtances ſimilitude wood to wood, though this vertue lay hidden in the wood, the numneſs of the wood being ſhaken off by the celerity of the Motion. But the binding of the Motion of the minor Congregation, which is by the curb of the Dominating or commanding body; it appears in the diſſolving of bloud and urine by means of cold: For as long as thoſe bodies are repleniſhed with an active ſpirit, which as Maſter of the whole orders, and keeps in each ſingular part, ſo long the Heterogeneal cannot come together, by reaſon of the curb: But when that ſpirit is once evaporated or ſuffocated by cold, then the parts freed from the courb come together according to their own natural deſire. And thence it proceeds that all ſubſtances which contain a ſharp ſpirit, (as Salt and the like) laſt and do not diſſolve by reaſon of the laſting and permanent curb of the commanding and imperious ſpirit. The binding of the motion of the Minor Congregation, which is done by an external motion is eſpecially perceived in the Agitations of Bodies, by which Putrefaction is hindred. For all manner of Putrefaction is grounded upon the Congregation or gathering together of Homogeneals, whereby by little and little is cauſed the Corruption (as they call it) of the firſt form, and the generation of another new one. For the diſſoluti-

on of the old form goes before Putrefaction, which prepares the way to the Generation of the new form, which is the Coition it ſelf to Homogenia, and that if it be not hindred becomes a ſimple ſolation; but if there come divers things in the way to hinder it, then Putrefactions follow, which are rudiments or beginnings of a new Generation. And if (which is the thing we have now in hand) there be a frequent agitation by an external motion, then this motion of Coition (which is delicate and tender, and deſires reſt outwardly) is diſturbed and ceaſeth, as we ſee in an innumerable company of things: As when a daily agitation or running water expels Putrefaction, Winds drive a way the Peſtilence of the Air, Corn in Garners of the Air, or Store-houſes turned and toſſed up and down continue pure, and finally all things that are agitated outwardly, do not eaſily putrifie inwardly. We muſt not at laſt omit that Coition or going together of Parts of the body, which chiefly cauſeth Induration, or Deſiccation. For after the ſpirit, or ſome humidity turned into ſpirit is fled out of ſome porous body (as in Wood, a Bone, a Parchment, and the like) then the thickeſt parts are contracted and grow up together with greater vehemence, whereupon grows Exſiccation, or Induration, which we believe to be done, not ſo much by the motion of Connexion, that there may be no vacuity as by this motion of Amity and Union. As concerning the Coition at diſtance, that is very unfrequent and rare, and yet it is in more things than is obſerved. The repreſentations of theſe are one bubble diſſolving another. Medicaments draw humours out of the ſimilitude of ſubſtance; one ſtring moves another ſtring in a ſeveral inſtrument to an Uniſon and the like. I conceive this kind of motion likewiſe to be in the ſpirits of living or animal things, but this is as yet unknown. But certainly it is eminent in the Load-ſtone and Iron raiſed up. Now when we ſpeak of the motions of the Load-ſtone, they muſt be plainly diſtinguiſhed: for there are four vertues or operations in the Load-ſtone which ought not to be confounded but ſeparated, though the admiration and ſtupidity of men hath mixed them, the one is the Coition or coming together of the Load-ſtone with the Load-ſtone, or of Iron with the Load ſtone, or of Iron with Iron touched therewith. The ſecond is of its turning North and South, and alſo of its Declination: the third is of its penetrating through Gold, Glaſs, Stone, or any thing: The fourth is of the Communication of its vertue from the ſtone into Iron, and from Iron into Iron, without any communication of the ſubſtance: but in this place we ſpeak only of its firſt vertue; namely, of its Coition or coming together. That is alſo a notable Coition of Quickſilver and Gold, ſo that Gold will attract Quickſilver, though it be made up in Unguents, and thoſe who work amongſt the vapours of Quick-ſilver, uſe to hold a piece of Gold in their mouths, to gather together the emiſſions of the Quick-ſilver, which would otherwiſe invade and penetrate their craniums and bones, and cauſeth the gold ſo held in their mouths to turn white. And thus much ſhall ſuffice to be ſpoken of the motion of the leſſer Congregation.

Let the ninth Motion be the Magnetick Motion, which though it be of the ſame kind, as the Motion of the Leſſer Congregation; yet if it operate at great diſtances, and upon great maſſes of things, it deſerves a ſeveral inquiſition: eſpecially if it do not begin with touching, nor doth not bring the action to the touch, as all Congregating Motions do; but only elevates the bodies, or cauſes them to ſwell, and no more. For if

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the Moon raiſeth the waters, or cauſeth moiſt things to ſwell up; or the ſtarry ſky draws their Planets towards their Apogea; or the Sun binds together the ſtars of *Venus* and *Mercury*, that they can go no further from his body then to ſuch a certain diſtance. Theſe Motions ſeem cannot be well placed neither under the Major nor Minor Congregation, but are as it were middle or imperfect Congregatives, and muſt have a proper ſpecies or kind to themſelves.

Let the tenth Motion be the Motion of Flight or Shunning: Namely, a Motion contrary to that of the Minor Congregation: by which bodies through Antipathy flie from ſuch bodies as are enemies to them, ſeparate themſelves from them, and refuſe to mix with them. For though in ſome things this Motion ſeem to be only an accidental Motion, or by conſequence, in reſpect of the motion of the leſſer Congregation, becauſe Homogeneals cannot come together, but the Heterogeneals muſt be excluded and removed. Yet this motion muſt be placed by it ſelf, and be made one ſeveral kind or ſpecies, becauſe in many things the deſire of Flight is leſs principal than the appetite or deſire of Coition or coming together. And this Motion is moſt eminent in the Excrements of living Creatures, and likewiſe in the hateful objects of ſome ſenſes, eſpecially thoſe of ſmelling and taſting. For a ſtinking ſmell is ſo hateful to the ſence of ſmelling, that it brings the motion of expulſion into the Orifice of the ſtomack by conſent: a bitter and horrid ſavour is ſo rejected by the Palate or the throat, that it cauſeth a ſhaking and horror of the head by conſent. But this Motion doth likewiſe take place in other things, for it may be perceived in ſome Antiperiſtaſes; as in the middle Region of the Air, whoſe coldneſs ſeems to be the rejection of Natural coldneſs from the heavenly confines; as likewiſe thoſe great heats and Inflammations which are found in ſubterraneal places, are rejections of the hot Nature from the Bowels of the Earth: for heat and cold, if they be in a Minor or leſſer quantity, do deſtroy each other; but if they be in greater Maſſes, and as it were in equal Armies, they thruſt one another out of place. It is reported alſo, that Cinamon, and other fragrant and odoriferous Plants being ſet by Privies and ſtinking places, will retain their own fragrancy the longer, as refuſing to come forth and mix themſelves with the ſtinking ſmels. And truly Quick-ſilver, which would otherwiſe reunite it ſelf into an entire body, is hindred from it by mans ſpittle or Barrows-greaſe, or Turpentine, and the like, and cannot gather its parts together, by reaſon of their diſſent with ſuch bodies, from which being circumfuſed round about them, they withdraw themſelves. So that their flight from theſe interjacent things is of more force than the deſire of reuniting themſelves with thoſe parts which are of the ſame kind; and this is called mortifying or killing of Quick-ſilver. Alſo that Oyl will not mix with water, is not onely by reaſon of the difference of levity or lightneſs, but by reaſon of their evill agreement, for the ſpirit of Wine which is lighter than Oyl will mix with water. But this motion of Flight is moſt notable in Niter, and ſuch like crude bodies which do abhor fire, as Gunne-powder, Quick-ſilver, Gold, and the like. But the Flight of Iron from the other Magnetick Pole is by *Gilbertus* very well obſerved to be not properly a Flight, but a Conformity and Coition to a more convenient ſituation.

Let the eleventh Motion be the Motion of Aſſembling, or Multiplying of its ſelf, or of ſimple Generation. And, we call ſimple Generation not of whole or Integral bodies, as in Plants and living things, but of ſimular or like bodies; That is to ſay, that by this Motion bodies which are alike do turn other bodies which have ſome affinity with them, or at leaſt are well diſpoſed or prepared, into their own ſubſtance or Nature: As flame which multiplies it ſelf upon breaths and oylie things, and ingenders a new Flame: Air, which upon water and watery things multiplyes it ſelf and ingenders a new Air: The Vegitable ſpirit which multiplies it ſelf in its nouriſhments upon the moſt ſubtile and thin parts, as well of watery as oylie things, and ingenders a new ſpirit, the ſolid parts of Plants, and living Creatures, as Leaves, Flowers, Fleſh, Bone, and the like, each of which out of the juyces of nouriſhments do aſſimilate and ingender a ſucceſſive ſubſtance and excretion. For we would not have any man dote with *Paracelſus*, who (blinded with his Diſtillations) would have Nutrition made by ſeparation only; and that in bread or food there lyeth hidden the Eye, Noſe, Brain, Liver, *&c.* in the moiſture of the earth, the Root, the Leaf, the Flower. For as a Carver or Sculpter out of a rude Maſs of wood or ſtone will bring forth a Leaf, a Flower, an Eye, a Noſe, a Hand, a Foot, or the like, by ſeparating and putting away what is ſuperfluous: ſo that chief internal workman (ſaith he) will by ſeparation and rejection out of food bring forth ſeveral members and parts. But laying ſuch trifles and toys aſide, it is moſt certain, that each ſeveral parts, as well Similar as Organical, in Vegitables and Animals, do firſt with ſome delight attract, then aſſimilate and turn into their own Nature, the juyces of their ſeveral foods almoſt common, or at leaſt not much unlike. Neither is this aſſimilation or ſimple Generation in animate bodies only, but the Inanimate alſo participate thereof, as we have ſaid of Flame and Air. And alſo the dead ſpirit which is contained in every tangible animate thing, doth always work, to digeſt and turn the thicker parts into ſpirit, which may afterwards go forth: whence comes the diminution of weight, and the drying up, as we ſaid elſewhere: Neither is that accretion, or growing together, which they commonly reject in alimentation be rejected in aſſimilation, as when Mud grows together amongſt ſmall ſtones, and is turned into a ſtony ſubſtance: Scales about the Teeth turn into a ſubſtance as hard as the Teeth themſelves, *&c.* For we are of that opinion that there is in all bodies a deſire of aſſimilation or making alike, as great as that of Homogeneals to come together; but this vertue is bound up as well as the other, but not by the ſame means: But we muſt with our greateſt care inquire out thoſe means, and the way of getting looſe from them; becauſe they belong to the comforting of old age. Laſtly, it is worthy to be noted, that in nine of thoſe motions whereof we have ſpoken, bodies do only deſire their own preſervation, but in this eleventh they deſire to have it propagated.

Let the twelfth Motion be the motion of Excitation, which motion ſeems to be of the ſame kind as aſſimilation, and ſometimes it is ſo by us promiſcuouſly called: For it is a Diffuſive, Communicative, Tranſitive, and multiplicative motion, as well as the other; and they agree for the moſt part in their effects, though they differ in the manner and ſubject of effecting. For the motion of aſſimilation proceeds as it were with command and power; for it commands and conſtrains the aſſimilated thing

thing to turn and chang it ſelf into the aſſimilant. But the motion of Excitation proceeds as it were with Art and inſinuation, and by ſtealth; for it doth only invite and diſpoſe the thing excited to the nature of the exciting thing: alſo the motion of aſſimilation doth multiply and transform bodies and ſubſtances; as for example, there is more flame, more air, more ſpirit, more fleſh made: But in the Motion of Excitation the vertues only are multiplyed and tranſported, and there is made more heat, more Magnetick power, more rottenneſs. And this Motion is moſt eminent in heat and cold: For heat doth not diffuſe it ſelf in heating, by the communication of the firſt heat, but only by Excitation of the parts of the body to that Motion, which is the form of heat, of which we ſpake in the firſt Vindemiation of heat; ſo that heat is far more ſlowly and difficulty excited in a ſtone or Metal, than it is in Air, by reaſon of the Inability and unreadineſs of thoſe bodies to that Motion: ſo that it is likely that there may be ſuch matters within the Bowels of the earth, as do utterly refuſe to be heated, by reaſon that through their greater condenſation they are deſtitute of that ſpirit, from which this Motion of Excitation firſt begins. So the Load-ſtone doth endure Iron with a new diſpoſition of parts, yet it loſeth nothing of its vertue: ſo the Leaven of Bread, the Flower or Yeaſt of Drink, and the runnet which coagulates milk; and likewiſe ſome poiſons do excite and invite Motion in a quantity of Meal, or Beer, or Cheeſe, ſucceſſively and continuately, not ſo much by the power of the excitor, as by the prediſpoſition and eaſie yeelding of the excited.

Let the thirteenth Motion be the Motion of Impreſſion; which motion is likewiſe of the ſame kind as the motion of aſſimilation, and is the moſt ſubtile of all Diffuſive motions. Yet we thought good to place it in a proper ſpecies, becauſe of the notable difference which is between it and the former two: For the plain and ſimple Motion of aſſimilation doth transform the bodies themſelves: ſo that if you take away the firſt mover, it nothing concerns thoſe which follow; for the firſt kindling into Flame, or the firſt turning into air, doth nothing concern the flame or the air which ſucceeds in Generation. Likewiſe the Motion of Excitation remains for a very long time, the firſt mover being taken away; as in a heated body, the firſt heater being laid away: in Iron excited, the Load-ſtone being taken away; in the heap of Meal, the Leaven being laid aſide. But the motion of Impreſſion, though it be Diffuſive and Tranſitive, yet it ſeems to depend upon the firſt mover: ſo that it ever being taken away or ceaſing, it preſently fails or periſhes; ſo that it is ended in a moment, or in a very little time. Wherefore we uſe to call thoſe motions of Aſſimilation and Excitation, the motion of *Jupiters* Generation, becauſe the Generation remains; and this motion of Impreſſion the motion of the Generation of *Saturn* becauſe that as ſoon as it is born it is devoured and ſwallowed up. And this motion manifeſts it ſelf in three things; in the beams or glimpſes of light, in the ſtroak of ſounds, and magnetick forces, as concerning communication. For the light being taken away, the colours preſently periſh, together with the other Images of it. The firſt ſtroak and ſhaking of the body cauſed thereby being ended, preſently after the ſound periſheth. For ſounds are toſſed up and down by Winds, as it were by Waters; yet you muſt more diligently obſerve, that the ſound doth not laſt ſo long as there is a reſounding: For the Bell being Rung, the ſound ſeems to continue for a long time; where-

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by a man may eaſily fall into an error if he think or imagine that ſound doth ſtick, or as it were ſwim in the air all that while, which is moſt falſe. For that reſounding is not the ſame ſound in Number, but is only renewed: and this is made manifeſt by the ſtopping or cohibition of the ſtricken or ſmitten body; for if the Bell be ſtrongly ſtayed or withheld and kept immoveable, preſently the ſound periſheth, and it ſounds no more, as in ſtrings, if after the firſt ſtroak the ſtring be touched with the finger, as in the Harp, or with the quill, as in Virginals, preſently the reſounding ceaſeth. The Load-ſtone being taken away, the Iron preſently falls: But the Moon cannot be removed from the Sea, nor the earth from any thing that is ponderous when it falls; therefore there can be no trial made of them, but howſoever the reaſon is alike.

Let the fourteenth Motion be the motion of Configuration, or Situation, by which bodies ſeem to deſire not any Coition, nor ſeparation, but a Situation, Collocation, and Configuration with others. But this is a moſt abſtruſe and hidden motion, neither hath it been well enquired about; and in ſome things it ſeems as it were to be incauſable, though indeed (as we believe) it be not ſo. For if one ſhould ask why the heaven turneth and wheeleth from Eaſt to Weſt, rather than from Weſt to Eaſt; or why it turns about thoſe Poles which are ſet about the *Urſas* or Bears, rather than about *Orion*, or any other part of the Heaven: This Queſtion ſeems to be as it were ſome Extaſis, ſeeing that ſuch things ſhould rather through experience be received as poſitive: and there are indeed in Nature ſome ultimate and incauſable things, but this is none of them. For we hold this to be done by a certain harmony and conſent of the world, which is not yet come into obſervation: but if the Motion of the earth be admitted to be from Weſt to Eaſt, the ſame Queſtions do remain; for it alſo moves upon ſome Poles, and why at laſt ſhould theſe Poles be placed where they are rather than any where elſe. Alſo the verticity and direction, and Declination of the Loadſtone are referred to this motion. Likewiſe there are found as well in Natural as Artificial bodies, eſpecially thoſe which are conſiſtent, and not fluid; a certain collocation and poſture of parts, and as it were wooll and threads, which muſt be diligently ſearched out and enquired after, as being ſuch that without the finding of them, thoſe bodies cannot be eaſily touched nor guided; but thoſe Circulations in liquid things, by which, they while they are preſſed before they can free themſelves, do relieve each other, that they may bear that compreſſion equally, we do more truely aſſign to the motion of Liberty.

Let the fifteenth Motion be the motion of Pertranſition, or the motion according to the iſſues or holes by which the vertues of bodies are more or leſs hindred or forwarded by their mediums or means, according to the Nature of the operating bodies or vertues, and alſo of the means: For one medium or means is convenient for the light, another for the ſound, another for heat and cold, another for magnetick Vertues, and for other things reſpectively.

Let the ſixteenth motion be the Regal or Politick motion, for ſo we call it. By which the predominant and commanding parts do bridle, tame, ſubdue and order the reſt of the parts, and force them to be gathered together, and ſeparated, to ſtop, move, and be placed, not according to their own deſires, but as it is in order, and expedient for the well being

being of that commanding part: so that it is as it were a kind of Government, and Policy which the ruling part exerciseth over the subjected parts. And this Motion is most eminent in the spirits of living things, which Motion doth temper together all the Motions of the rest of the parts, as long as it self is in vigor and force. It is likewise to be found in other bodies in a certain inferiour degree, as hath been said of blood and urines, which are not dissolved, till the spirit which restrained and mixed their parts was let forth, or dislocated. Neither is this Motion altogether proper to Spirits, though Spirits are predominant in most bodies, by reason of their quick and penetrating Motion. But in bodies which are more condensed, and are not filled with a lively and vigorous spirit, such as is in Quick-silver and Vitriol, the thicker parts are predominant; so that unless this curb and yoke be some way shaken off, we must not hope for any new transformation of such bodies.

Let the seventeenth Motion be the Spontaneal or Willing Motion of Rotation or wheeling: by which bodies that delight in Motion, and are well placed, do enjoy themselves, and follow one another, and not any thing else, seeking (as it were) their own embraces. For bodies seem either to move without any term, or to stand quite still, or to be carried to that term, where through their own Nature they must either wheel or stand still: And those things that are well placed, if they enjoy Motion, do move circularly, namely with an Eternal an Infinite motion. Those things which are well placed, and are averse from motion, do stand quite still: Those which are not well placed do move in a direct line, (as by the shortest path) to the company of their consaturals. And this motion of Rotation or wheeling, admits of seven differences: The first of its Center about which the bodies move: The second of their Poles upon which they move: The third of its circumference or compass, according as they are distant from the Center: The fourth of their Incitation, according as they move either more slowly, or more swiftly: The fifth of the consecution of their Motion, as from East to West, or from West to East: The sixt of the Declination from the perfect Circle by threads or lines nearer to, or further from the Center: The seventh of its declination from the perfect circle by the Lines nearer to, or further from their Poles: The eighth of the further or nearer distance of their Lines one from the other: The ninth and last of the variations of the Poles themselves, if they be moveable; the which doth not belong to Rotation or wheeling, unless it be done circularly; And this Motion by the common and inveterate opinion is held to be the proper Motion of the Heavens: Yet there is a great Question amongst some as well ancient as modern concerning that Motion, who have attributed this Rotation or wheeling to the earth. But it would be a far more just question or controversie (if the thing be not without question) namely, whether this Motion (granted that the Earth doth stand still) be contained within the bounds of the heaven, or rather descends and communicates it self to the Air and to the Waters. But the motion of Rotation in darted things, as in Arrows, Darts, Bullets for Guns, and the like, we remit altogether to the motion of Liberty.

Let the eighteenth motion be the motion of Trepidation, to which (as it is understood by Astronomers) we give no great credit. But to us who seriously seek out every where the Appetites and Desires of Natural bodies, this motion comes in our way, and seems it ought to be placed in

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ſpecie, as of a ſeveral kind. And this motion is as it were of a certain perpetual captivity or bondage: namely, in which bodies being not altogether well placed according to their Nature, nor yet finding themſelves altogether ill, do trepidate or agitate continually, taking no reſt, as not contented with the ſtate they are in, nor yet daring to proceed any further. And ſuch a motion is found in the heart and pulſes of living Creatures, and muſt of neceſſity be in all bodies which are in an anxious and doubtful caſe between commodities and diſcommodities, that being diſtracted do trie to free themſelves, and ſtill receive a repulſe, yet ſtill go on trying.

Let the nineteenth and laſt motion be that to which the name of motion ſcarce belongeth, and yet is a meer motion. Which motion we may call the motion of lying down, or the motion of abhorring of motion. By this motion the earth ſtands in its own frame, the extreams of it moving themſelves into the middle, not to the imaginative Center, but to Union. By this appetite alſo all things which are condenſed or grown thick in a high degree do abhor motion, and all their appetite is, not to move: and though they be provoked infinitely to move, yet (as far as they can) they preſerve their own Nature. And if they be forced to motion, yet they ſeem always to endeavour to recover their own eſtate and reſt, to move no more. And indeed about this they are active enough, and do ſtrive ſwiftly and ſpeedily enough, as being impatient of any delay. But the Image of this appetite can but partly be diſcerned, becauſe with us by the ſubagitation and concoction of the Celeſtials, every tangible thing is not only not condenſed to the height, but is alſo mixed with ſome ſpirit. We have therefore now propoſed the ſpecies, or ſimple Elements of Motions, Appetites, and Active Vertues which are moſt univerſal in Nature: neither is there a ſmall part of Natural Knowledg ſhadowed under theſe. Yet we do not deny, but that other ſpecies may peradventure be added, and that theſe very Diviſions may be tranſported according to the truer veins of things, and be reduced into a ſmaller number: Yet we do not mean this of any abſtracted Diviſions; As who ſhould ſay, that bodies deſire either the Preſervation or Exaltation, or Propagation, or Fruition of their own Nature; or as if one ſhould ſay, that the motions of things do tend to the Preſervation and good either of the Univerſal, as Antitypie, or Connexion, or of great Univerſalities as the motion of the greater Congregation, or of Rotation and wheeling, or of the abhorring of motion, or of ſpecial Forms, as the reſt of motions. For though theſe things be true, yet unleſs they be terminated in Matter and Fabrick, according to the true lines, they are ſpeculative and leſs profitable. In the mean time they will be ſufficient, and of good uſe to weigh the Predominances of Virtues, and enquire out the Inſtances of ſtrife. For of theſe motions whereof we have ſpoken, ſome are altogether invincible, ſome are ſtronger, and bind, curb and diſpoſe them. Some do ſhoot out and dart further: ſome do prevent others in time and ſwiftneſs: ſome do nouriſh, ſtrengthen, enlarge, and haſten the other.

The Motion of Antitypie is altogether Adamantive and Invincible. But whether the Motion of Connexion be ſo or no, we yet doubt of. For we will not for a certainty affirm whether there be a Vacuity, or Coacervation and heaping up, or a Permixion. But this we are ſure of, that the reaſon which *Lucippus* and *Democritus* give to bring in a vacuity (namely becauſe without it the ſame bodies could not fill up and containe

tain greater and leſſer ſpaces) is falſe. For certainly it is the told of the matter doubling and redoubling it ſelf by ſpaces within certain bounds, without interpoſition of Vacuity. Neither is there in air two thouſand times more (for ſo much it muſt be) of Vacuity than there is in Gold which is ſufficiently known to us by the moſt powerful vertues of pneumatick or windy bodies, (which otherwiſe would ſwim in Vacuity like ſmall duſt) and many other Demonſtrations. And the reſt of the Motions do govern, and are governed one by another according to the Vigor, Quantity, Incitation, Ejaculation, and according to the helps and hindrances which do happen. As for example, ſome Load-ſtone armed will draw up and hold iron which ſhall weigh threeſcore times as much as it ſelf: ſo far the Motion of the leſſer Congregation doth predominate above the Motion of the greater Congregation; And if there be any greater weight it yields. A Beam will bear ſome weight of timber: So far doth the Motion of Liberty predominate upon the motion of the greater Congregation: But if the weight be more it will yield. Leather ſtretched out to ſuch an extent will not tear: So far the Motion of Continuation predominates upon the Motion of Extenſion; But if it be ſtretched any further, the Leather tears, and the Motion of Continuation doth yield. Water runs out at a creviſe of ſuch a bigneſs, ſo far the Motion of the greater Congregation predominates over the Motion of Continuation: and if the creviſe be leſſer it yields, and the Motion of Continuation overcomes. The powder of Sulphur alone put into a Gun with a Bullet and fired doth not drive out the Bullet; In that the Motion of the greater Congregation overcomes the motion of *Hyles*: but gunpowder, being put in, overcomes the motion of *Hyles* in the Brimſtone, being helped by the Motions of *Hyles*, and of Flight in the Niter, and ſo of the reſt. For the inſtances of ſtrife (which ſhew the predominancy of vertues, and according to what means and degrees they predominate and yield) is to be ſought out by a ſharp and diligent Inquiſition. Likewiſe the means and ways of the ſuccumbency and yielding of Motions are carefully to be looked into: Namely, whether they ceaſe altogether, or whether they only ſtrive ſo to do, and are withheld. For in bodies here with us there is no true reſt, neither in the whole, nor in the parts, but only in appearance and ſeemingneſs. And this ſeeming Quietneſs or reſt, is cauſed either by the Counterpoiſe, or the predominancy of Motions: By counterpoiſe, as in Scales which ſtand even if the weights be equal; By predominancy, as in pitchers which have holes in them, where the water lyeth ſtill, and is kept from falling by the predominancy of the motion of Connexion: Yet we muſt obſerve (as we ſaid before) how far thoſe yielding Motions do ſtrive. For if any one through ſtriving be kept down ſtretched out upon the earth, with his arms and legs bound, or otherwiſe held, and yet he with all his force ſtrive to get up, his ſtriving is nothing the leſs, though it doth not availe. But the condition of this thing, (namely, whether the yielding motion be as it were annihilated by the predominancy, or whether the ſtrife continue, though it is not perceived) which lyeth hidden in Conflicts, will peradventure appear in concurrencies. Let the trial be made in Guns; whether a Gun will ſhoot a bullet furtheſt in a direct line, which we call point blank, or ſhooting upwards where the only force carries the Bullet, or downwards, where the Motion of Gravity concurs with the force of the blow. Alſo the Rules of Predominancies which come in the way are to

be gathered together: As the commoner the good is which is desired, the stronger it is; As the motion of Connexion, which looks upon the communion of the Universal, is stronger than the Motion of Gravity or weight, which looks only upon the communion of dense and solid things. Also that the desires of a private good, most commonly do not prevail against the desires which are for a more Publick good, but in some small quantities. Which would God we might obtain in Civil Affairs.

The way how to find out the Causes of the Ebbing and flowing of the Sea.

THis motion must of necessity be brought to passe, either by the Progress, and Regresse of waters, like unto water tossed up and down in a Tub, which when it washeth one side of the Tub, forsaketh the other side: or by the rising and falling of the waters from the bottome, like unto water that boiles up and falls again. Now which of these two causes must be the cause of Ebbing and Flowing is the question. If the first assertion be admitted of, then of necessity when the flowing of the sea is one way, the sea must at the same time in one place or other be Ebbing: and this is the thing which we enquired. *Acosta* with some others (after diligent enquirie) have observed, that on the shoars of *Florida* and the opposite shoars of *Spain* and *Africk*, the Ebbings and Flowings of the Sea are at the same time, and not contrariwise, when it flows at the shoars of *Florida*, it ebbs on the shoars of *Spain* and *Africa*. But if one give more attention, and take better heed, the rising motion is not confirmed, nor the motion by Progress denyed. For it may be that the motion of waters in Progress may be, and yet it may flow upon the opposite banks of the same Channel, at the same time; namely, if the waters be forced and driven in from another place, as it is in Rivers which ebb and flow on both their banks on each side at the same time, this motion notwithstanding being a meer motion in Progress, namely, of waters coming in at the mouths of the Rivers out of the Sea: so in the same manner waters coming in great abundance out of the Indian Eastern Ocean, may be be driven and thrust into the Channel of the *Atlantick* Sea, and therefore may over-flow both banks at one time. Therefore we must enquire whether there be ever another Channel by which the waters may ebb, and so diminish at the same time: And behold here is the south sea at hand, which is no lesser than the *Atlantick* sea, but large and extended sufficiently for this purpose. So now at last we are come to the Instance of the Cross concerning this subject: which word is taken from Crosses, which are set up in cross ways, and point out the separations of them. And these we use to call Decisory and Judicial Instances, and in some cases Instance of Oracle and mandate: The manner of them is this; When in the Inquisition of some Nature, the understanding is suspended and uncertain, to which of the two or more natures the Cause of the enquired Nature ought to be attributed and assigned, by reason of the frequent and ordinary concourse of divers Natures; the instances of the Cross do shew the faithful and indissoluble agreement (concerning the Nature which is enquired of) of one of the Natures, and the variable and separable agreement of the other, whereby the

the queſtion is determined, and the former Nature is received for the cauſe, the other being rejected and laid aſide: And that is ſuch a one, if we find of a certainty, that when it flows on the oppoſite ſhoars as well of *Florida* and *Spain* in the *Atlantick* ſea, it flows alſo upon the ſhoars of *Peru*, and the back-ſide of *China* in the ſouth ſea: then by this Deciſorie Inſtance this Aſſertion muſt be confirmed, that the ebbing and flowing of the ſea which we enquire after, muſt be done by a Progreſſive Motion: For there is no other ſea or other place left where there can be a Regreſs or ebb made at the ſame time. And this may moſt eaſily be known, if one could enquire of the Inhabitants of *Panama* and *Lima* (where the Atlantick and Southern Ocean are ſevered only by a ſmall *Iſthmus*) whether the ebbing and flowing be at the ſame time on both ſides of the *Iſthmus* or no. But this Deciſion ſeems to be certain, if it be granted that the Earth ſtand immoveable. For if the Earth turns round, it may be that by unequal turning of it (as touching the celerity & ſwiftneſs of it) and of the water of the ſea, there may be a violent driving of waters up into a heap, which may be the flowing, and a Re-laxation of the ſame, (when they can be heaped up no more) which may be the ebbing. But of this there muſt be an Inquiſition ſeverally. But this being alſo ſuppoſed, that ſtill remaineth ſtedfaſt, that there muſt be ſomewhere an ebbing of waters when there is a flowing in other places. Likewiſe let the latter motion of thoſe two which we ſuppoſed, be the enquired Nature: namely, the motion of the Sea raiſing it ſelf, and ſinking down again; if it ſo happen that (after the matter is diligently examined) the other Progreſſive motion which we have ſpoken of, be rejected: Then there will be ſuch a threefold way concerning this Nature; and of Neceſſity this motion by which waters in ebbings and flowings riſe and fall again, without any addition of waters coming to them, muſt be one of theſe three ways: Either that this abundance of waters comes out of the Entrails of the earth, and returns again into them: Or that there be no greater maſs of waters, but that the ſame waters, (without any increaſing of Quantity) are extended, or rariſied, ſo that they ſpread themſelves into a larger dimenſion, and take up more room, and then reſtrain and contract themſelves again: Or that there is neither more quantity, nor larger extenſion, but that the ſame waters (as they are both in Quantity or Rarity and Denſity) do raiſe themſelves, and ſo fall again by and through ſome Magnetick power drawing them from above, and ſo by conſent riſe and fall again. So now (if you pleaſe) let the Inquiſition be reduced (laying aſide the two firſt Motions) to this laſt, and let us enquire whether there be any ſuch ſublation or raiſing made by conſent, or Magnetick power. But in the firſt place it is manifeſt that all the whole waters as they are laid in the hollow or concave place of the Sea, cannot be raiſed altogether, for then there would want ſome thing to ſucceed and be in the bottome: ſo that if there were any ſuch appetite or deſire in the waters of raiſing themſelves, yet that would be broken and cohibited by the connexion of things, or (as they commonly call it) by the Nonentity or not being of any vacuity. It remains therefore that the waters muſt riſe on the one ſide, or part, and thereby diminiſh and fall on the other. For again it will of neceſſity follow, that the Magnetick power, ſeeing it cannot operate upon the whole, muſt needs operate moſt ſtrongly about the middle, ſo that raiſing the water in the middle, it muſt needs ſucceſſively abandon and forſake the ſhoars. So thus at laſt this

ſubject

ſubject is come to the Inſtance of the Croſs, which is this: That if it be found that in the ebbings of the ſea, the ſuperficies of the waters in the ſea is more arched and round, namely, the waters riſing in the middle of the ſea, and failing about the ſides, which are the ſhoars; and in the Flouds or Flowings the ſame ſuperficies is more plain and even, by reaſon of the waters returning to their firſt poſture: Then truly by this Deciſory Inſtance the raiſing by Magnetick powér may be admitted of, otherwiſe it muſt be abſolutely rejected. But this may eaſily be tried in Arms of the ſea, by ſea lines, namely, whether in ebbs towards the middle of the ſea, the ſea be not deeper than in flouds. But we muſt note, that if this be ſo, waters do (contrary to what is commonly believed) riſe in their ebbings, and fall only in flowings, whereby they fill and overflow the banks.

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Winds of all kinds purg the air, 16. *how they are engendred in the lower air,* 20. *they are engendred a thouſand ways,* 16. *they are marchants of vapours,* 17. *they gain their natures five ways,* 15. *winds compoſed of* Niter, 43. *brought forth of the reſolutions of ſnow,* 24. *hurt corn at three ſeaſons,* 14. *they are allayed five ways,* 25. 44. *they blow from their nurſeries,* 4. *in their beginning they blow ſoftly,* 17. *then gain ſtrength,* ibid. *thoſe which are compoſed of Sea vapours eaſtlieſt turn to rain.* 24.

Y.

Yards of Ships. 31

FINIS.

Collated (A_1 + L_4 + O_2 + N_2 + I_2) all blank and missing. Title and port. mounted

All uncut except A. Bernard Quaritch

H. J. Cheshire
22.2.14

Allen
10/1/55
12

